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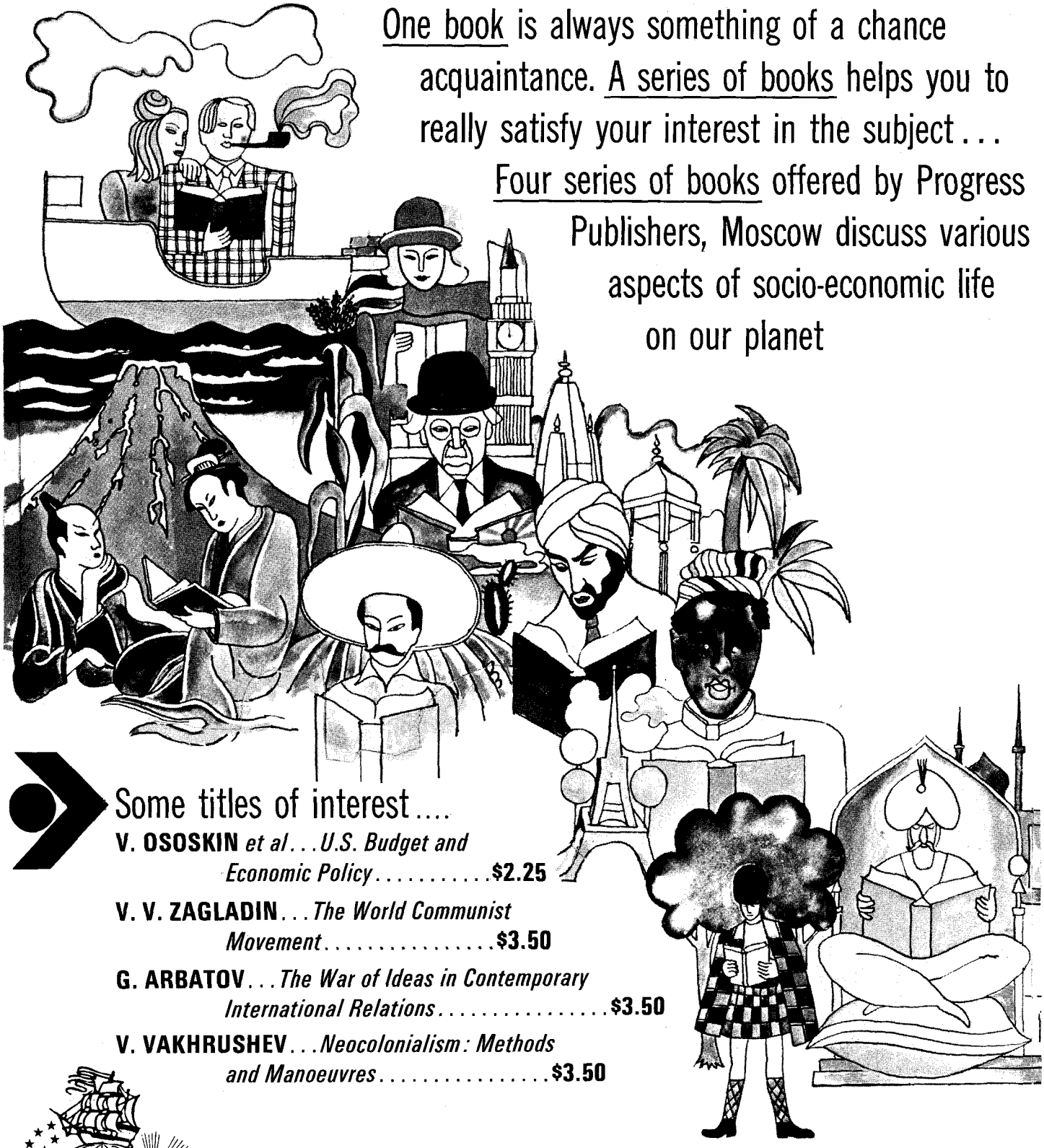

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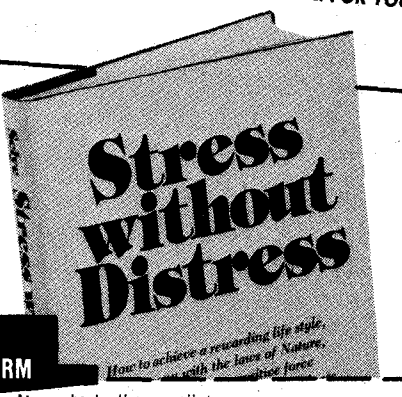

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Dr. Hans Selye is Director of the Institute of Experimental Medicine and Surgery at the University of Montreal, and holds doctoral degrees in philosophy and science as well as in medicine. In addition to receiving sixteen honorary degrees and some fifty awards, medals, and honoring citizenships, he has been made a Companion of the Order of Canada, his country's highest honor.

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TRB

from Washington
July 20, 1974

Turbulence Ahead

With a parliamentary system like Canada's the United States could have dealt with Watergate two months after it was discovered. With our rigid government we have instead reached a point of public helplessness that is demeaning to a great nation. It is not merely demeaning but dangerous. We face extraordinary shocks on the economic front and the President evidently does not know what to do, nor is there any quick way of replacing him. There is impeachment, of course, but that is reserved for high crimes and misdemeanors and simple economic muddleheadedness does not meet the formula. There is no lack-of-confidence vote in our system that can get an election and oust an inept leader; there is no arrangement whereby a political party itself can readily change its spokesman as the Progressive Conservative party in Canada is now preparing to do with the unfortunate Robert Stanfield after his defeat in last week's election. No, we are helpless; as James Sundquist of Brookings put it, recalling the discredited British Prime Minister who sought to appease Hitler: "Under our system, a Neville Chamberlain would stay in office for his full term even if that meant losing a war, and the very freedom of the nation."

We need a more flexible system. For example, Sen. William Fulbright, who has headed the Foreign Relations Committee longer than anybody else, is a national asset. But he was defeated in a local primary and must go. Why should a man like Fulbright—or some equivalent senator in the same fix on the conservative side—be lost under a rigid system, and not run from some other constituency, from some safe seat, to give Congress the benefit of his continuing experience?

It is stunning to cross the line that separates the United States and Canada and find the idea of transferable legislative constituencies unthinkable in the former and taken for granted in the latter. Mr. Stanfield has just run from a district in central Halifax in Nova Scotia—he doesn't live there. Prime Minister Pierre Elliott Trudeau is elected from the Mount Royal district of Montreal—he doesn't live there either. They are glad to have famous men to elect.

There are two dangers of Watergate, one that Mr. Nixon will ride out impeachment, in which case the great sword that the Founding Fathers forged for the Constitution will rust and be forgotten; the other that he will be impeached, and the nation will say, "See, now we have solved the Nixon problem and we can forget Watergate as soon as possible!" Of the two, the latter possibility could be the more dangerous if it throws away the experience we have gained and what might be the last chance of some permanent reform.

The dominance of the presidency over Congress and courts seems likely to be checked now for a while whatever happens, because Mr. Nixon has overreached himself and been too arrogant. But the same process is apt to begin again after a while because the nation needs a strong leader, and will achieve it in one way or another.

Suppose the future man in the White House had the charisma that Mr. Nixon lacks, the demagoguery of Huey Long, the effrontery of Joe McCarthy, the racism of George Wallace, and pushed his power in the paths Mr. Nixon has pointed out—impoundment, executive privilege, national security, warrantless wiretaps, sale of ambassadorships, falsification of cables, favors for campaign funds, burglary, spying and all the rest. Could we depend on the device of impeachment alone to handle the matter? Really, wouldn't it be simpler to adopt a collectivized parliamentary government or some partial adaptation of it? Half a dozen proposals are now in Congress.

The United States would never accept parliamentary "instability," it is argued, like that in Canada; it breeds coalition governments. It is odd to hear the latter argument advanced. Prime Minister Trudeau has just been reelected with a fresh mandate, and presumably he can govern for the next four years with collective party responsibility.

Things are different in Washington. I do not mean Watergate. One party controls the White House, a rival party controls the legislature and the emphasis is on negativism. Ah yes, you say, but this is the exception. Not at all. In the last 46 years the control of Congress and the White House has been split 16 years, or one-third of the time.

Often you hear it said with smug self-satisfaction, "So what? Divided government is good; one party will watch the other; the sound men of business will be the real rulers; this means less government interference. The fewer laws the better."

Business certainly is powerful. But in the real pinch can government act? You could find no better example than the terrible problem of inflation at the present time. All around the world today the economic warning signs are flashing: "Buckle seat belts, turbulence ahead!" It is the most serious international inflation in history. How badly America needs a leader it can trust!

Last week Herbert Stein, chairman of Mr. Nixon's Council of Economic Advisers, called the American economy "very strong," but also acted like the watchful airline hostess who doesn't want to frighten anybody but wants to be sure everybody is tucked in:

"We have no easy way out of this. I think we have to be prepared to continue for a long time. I think in terms of years, not months—three, four years, and more or less indefinitely, we have to follow a policy of much greater discipline."

In Herbert Hoover's Great Depression there was a Commerce Department economist named Julius Klein. Mr. Hoover would see prosperity just around the corner, and Klein would explain why. The similarities are rather striking:

Said Julius Klein in '29,
"I'm confident there's no decline!"
Said Herbert Stein, "Hew to the line,
We'll all be fine by '79."

Dr. Stein says the real blame for inflation is with the American public—they rejected "tax increases." It is an astonishing statement for the aide of Mr. Nixon who pledged in 1972: "My goal is not only no tax increase but no tax increase for the next four years."

Tighten your seat belts, turbulence ahead. Who's at the controls?

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The Once and Present War

In the cease-fire agreement signed in Paris early last year, the US pledged itself to promote peace in Vietnam by encouraging Saigon authorities to seek an accommodation with their North Vietnamese and Vietcong adversaries. It would be a "peace of reconciliation," President Nixon proclaimed, and he appealed to the belligerents to make it "a peace that lasts and also a peace that heals." That pledge has since been transformed into a determination to reinforce the authority of South Vietnamese President Nguyen Van Thieu. Talk of compromise and conciliation has faded. The civil war has not, and the US is in it up to its knees if not its neck. Secretary of State Kissinger spelled out this determination in a letter last April to Sen. Kennedy: our government is "committed" to providing Saigon with "the means necessary for its self-defense and for its economic viability . . . . We believe it is important that we continue our support as long as it is needed." The administration, which currently supplies more than 80 percent of South Vietnam's economic and military requirements, thus takes us back where we were 20 years ago. President Eisenhower ignored the 1954 Geneva agreement by giving Ngo Dinh Diem arms and money to fight his internal enemies; Mr. Nixon does likewise for Thieu. Backing him for "as long as . . . is needed" can only mean that the President is prepared to keep paying Thieu's bills (or those of a like-minded successor) for another generation.

This openended commitment has not yet been effectively challenged. There is, to be sure, some congressional reluctance to subsidize the Saigon government forever, but the administration has countered that reluctance with the assertion that Thieu and company need only a couple of years more of substantial help, after which their government can make it on its own. On that premise Congress is being asked to give the Saigon regime $1.6 billion in military aid and $750 million in economic assistance, as well as $160 million worth of so-called "food for peace" during the 1975 fiscal year. With that added boost, administration spokesmen say, South Vietnam can "take off" and become as stable as Taiwan and South Korea. The reassuring refrain is familiar to anyone who has read the Pentagon papers or the newspapers over the past 10 years.

Thieu is in trouble; there's no doubt of it. Reliable observers who have recently been to South Vietnam agree that it is hurting

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badly. One indicator is the cost of living, which soared 65 percent in the past year. The principal reason for the inflation, American officials contend, is the rapid rise in world commodity prices. However World Bank experts who visited Saigon not long ago had another explanation: it is the continuing war that accounts for the severe distortion of the economy. The fighting has driven millions of peasants into the cities; agricultural production has fallen off as a consequence. More than three million of these displaced peasants are unemployed. The million men in the army and national police produce nothing. The South Vietnamese government is spending two-thirds of its expenditures on security, and the rest on development, production, or payoffs of one sort or another. Almost entirely underwritten by the US, these expenditures are contributing little to building the foundation for a stable economy, though they have thus far prevented total collapse. World Bank experts calculate that under optimum circumstances, South Vietnam will require some $770 million a year in economic aid by 1980 and between $300 and $400 million a year a decade after that. And who knows how much military aid in addition? When the administration tells Congress that it sees light at the end of a relatively short tunnel, it is no more believable than past administrations were when they said that by remaining steadfast the US would assure a secure and free South Vietnam.

It would be unrealistic to believe that Thieu could have avoided an economic crisis following the US troop withdrawal. The pull-out was bound to create dislocations. But the dislocations have been aggravated, not eased, by the South Vietnamese themselves. As a minor example Thieu's troops fire off a million dollars a day in ammunition—about 20 times more than their enemies. Well why not, if there's plenty more where that came from? The Pentagon deplores the waste, but ammunition for Thieu is still a major item in the administration's military aid program. Other items include modern aircraft such as F-5 jet fighters, and four new warships. Almost nobody in authority seems to be troubled that delivery of this equipment violates article seven of the Paris agreement, which stipulates that only replacements for destroyed or worn out materiel may be sent to Vietnam. If one does object he is told that US assistance to Saigon merely matches Soviet and Chinese aid to Hanoi, which is not true. Rep. Les Aspin of Wisconsin has made public Defense Intelligence Agency estimates showing that in 1973, Moscow and Peking together gave Vietnam $290 million in military aid; the US in fiscal '74 gave just over one billion dollars. Since 1966 Washington supplied South Vietnam with nearly 30 times more equipment than that given to North Vietnam and the Vietcong by the Russians and the Chinese.

What has this huge investment produced? Thieu's drive to consolidate his power by building up his armed forces with US support has prompted a predictable response. Though the number of North Vietnamese troops in the South has not increased appreciably since the 18-month-old Paris agreement, Hanoi has been constructing an elaborate network of roads below the 17th parallel. The main axis of this network is an all-weather highway running south from the demilitarized zone to within 80 miles of Saigon. The highway, known as Corridor 613, parallels the old Ho Chi Minh Trail inside Laos, and it is destined to open onto a number of feeder roads that will give Thieu's enemies access to strategic points inside South Vietnam. The North Vietnamese are said to have moved some 600 tanks down the highway and are stockpiling ammunition and other materiel, including radar-guided artillery. If Vietnam cannot be reunited through a "peace of reconciliation," the same end will be pursued by violent means.

As they observe Thieu's economic dilemma, his enemies must calculate that the Saigon regime must someday sink, and that the Americans someday will tire of bailing it out. Undoubtedly they are waiting to see how Congress reacts to the administration's requested big aid package. If Congress votes the money, some specialists speculate, the North Vietnamese may escalate the fighting in the hope that public opinion in the US will restrain the administration from intervening with air power, as it did during the 1972 Communist offensive. For Congress to finance Thieu in the style to which he has become accustomed could in that event lead to a larger war, and one in which the Saigon regime would be hard put to defend itself without direct US involvement. On the other hand if Congress cuts the administration's aid requests, Thieu may be damaged less than he and the administration would have us believe. Thieu is a shrewd and powerful politician; if the will is there, the skill is there to negotiate with his foes. He has not negotiated thus far because he has boldly calculated that President Nixon, fearful that a deal with Hanoi (a "peace of reconciliation") might alienate congressional right-wingers, will not desert him. Faced with the real prospect of a substantial aid cut, however, Thieu just might be inspired by self-interest to rediscover respect for the Paris agreement. He would then observe the cease-fire, release political prisoners, and concede to the formation of a National Council of Reconciliation and Concord, the interim body that was intended to organize elections. But he is not going to move in this direction without a strong push, and it can only come from Congress. The US government does have an obligation to Vietnam, but it is not to Thieu's survival; it is to the thousands of Vietnamese crippled and made homeless by the war. The future of the Saigon regime, on whose account too much blood has been spilled, ought not be a commanding congressional concern.

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On the Right Track

Even in these days of looser White House control over top agency officials, it was extraordinary and refreshing to watch Russell Train, administrator of the Environmental Protection Agency, split so sharply last week from the administration's position on strip-mining. By publicly endorsing a House Interior Committee bill, which at this writing is scheduled for floor action July 16, Train came out squarely against Secretary of the Interior Rogers C. B. Morton and Federal Energy Administrator John C. Sawhill. From an environmentalist point of view, the strip-mining bill is a moderate one, designed to regulate rather than phase out the disfiguring process. Its two chief sponsors, Reps. Morris Udall (D, Ariz.) and Patsy Mink (D, Hawaii) frankly call it a compromise between environmental protection and the spiraling demand for coal, our most plentiful domestic energy resource. This is not the first occasion when Train has spoken his beliefs. Earlier he fought the administration on the relaxation of EPA clean-air standards. Clean air, however, is his agency's specialty, while strip-mining is almost exclusively under Interior Department jurisdiction, so Train's vocal dissent was all the more remarkable.

Interior Department sources preferred not to interpret Train's statement as a reflection of post-Watergate anarchy and insisted that his opinion on strip-mining be viewed as a result of his "maturity and expertise on the issue." What this meant became clearer the next day when Sawhill sharply revised his estimate of the coal production loss that might result from federal strip-mining controls. Although he maintained his opposition to the Udall-Mink bill, Sawhill reduced the range of possible coal loss from as high as 187 million tons down to 20 million to 60 million tons. Train seems to have had the right figures all along, and Sawhill didn't. Sawhill's last-minute recalculation didn't help the forces opposing the committee bill led by Carl E. Bagge, the coal industry's tough lobbyist, and Rep. Craig Hosmer (R, Calif.).

The push for the abolition or strict regulation of strip-mining started several years ago when the environmental movement publicized the horrors perpetrated by mining companies in Appalachia and other Eastern regions. Now the environmentalists are turning their attention to the West, primarily Montana, Wyoming, the Dakotas and New Mexico, where some 25 billion tons of coal are located near the surface. To achieve energy independence, the United States will have to double or triple coal production in the next decade, and extensive strip-mining in the West is the cheapest and quickest way to do it. Environmental anxieties, paradoxically, make this type of mining more attractive, for the Western deposits are lower in sulfur content and can be utilized without expensive anti-pollution equipment. Rep. Udall told the House Rules Committee July 10 that although many would like to ban strip-mining entirely, "the country needs more coal and this is the easiest way to get it." For that reason he opposes the tougher substitute bill by Rep. Ken Hechler (D, W.Va.), which would phase out strip-mining.

If the Rules Committee debate on the matter is an indication, even the Udall-Mink moderate approach may have a rough time in the House. Rules chairman Ray Madden (D, Ind.) worried about possible unemployment if production in his state declines. Rep. James J. Delaney (D, NY) wanted to know whether the cost of strip-mine reclamation would further add to his Queens constituents' rising energy costs. (Udall assured him that the price hike would be only three to five percent, "surely not a high price to pay for keeping our land.") Rep. Morgan F. Murphy (D, Ill.) asked why "citizens in Chicago should pay for mistakes made long ago in West Virginia."

If a bill resembling the Interior Committee version gains final congressional approval—and it will have to go to a House-Senate conference first—there is a real possibility of a presidential veto. But according to Ken Wood of the EPA legislative office, Train's statement of support means that the agency will do its best to convince the White House otherwise.

Out of Work?

Thirty-nine years ago President Franklin Delano Roosevelt and his New Deal Congress enacted a system of social insurance to ease the hardship of unemployment. This program of unemployment compensation is often cited (along with federally insured bank deposits) as a reason why we never again will sink into deep depression. And yet the system has failed to keep up with the times. Benefits are too low, 11 million workers still are not covered (last year, only 38 percent of the unemployed were covered), benefits in many cases don't run long enough, especially for the long-term unemployed, and eligibility requirements are too stiff and even absurd (some workers have been denied benefits because of long hair). In 1969 President Nixon said he would give the states two years to bring their standards up to certain minimums or face statutory national standards. Finally, he sent his suggestions for modernization to Congress in May 1973, after only six states had raised their standards. Some states had meanwhile restricted eligibility as a way to save money. In his latest special economic report to Congress, Mr. Nixon again recommended that we "cushion the burden on the unemployed," and while it can be argued that the administration's proposals don't go far enough, at least the

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White House is on record for improvement.

Basically the jobless insurance scheme is what it was in 1935. It is financed by employer taxes and generally administered by the states. A recent Brookings Institution study says that "many states have set either their percentage of previous wages covered or their maximum benefit payments so low that there is in fact not much protection for unemployed workers. In 1973, for example, the average weekly benefit for all unemployed workers was only $58.50, less than the poverty standard for a family of four ($82 a week). A full 40 percent of all beneficiaries in the system received benefits of less than half their previous wages." Many workers today normally earn $200 or more a week, but only in a handful of states do they stand a chance of getting anything like one-half that income, if they're jobless.

The states have been reluctant to extend coverage beyond that federal standards mandate. Farm workers, domestics and many public employees aren't covered at all. The Nixon plan would extend coverage to most farm workers but not to the others. As 1973 statistics show, in most years only three or four out of every 10 unemployed workers actually get compensation, and even those who are eligible often find themselves stymied because of state eligibility requirements centering on length of work and level of pay. A favorite gimmick is to increase the minimum benefit but at the same time tighten up on eligibility, which is what Colorado, Connecticut and Montana did last year. They boosted minimums but at the same time required workers to have been employed longer before qualifying for benefits. The hardest hit in such cases are the young, persons reentering the labor force and individuals in low-paying jobs. The Brookings study comments on the "large number of unemployed workers with less than 14 to 20 weeks of previous work experience [who] are not covered."

Duration of payments also varies greatly, from a low of 20 weeks in Puerto Rico to a high of 36 weeks in Utah. A majority of the states have a maximum duration of 26 weeks, but it would be a mistake to assume that most jobless persons qualify for 26 weeks of benefits. Some get only nine or 10 weeks jobless compensation. In 1970 Congress decided that a worker who exhausts regular state benefits is entitled to additional payments, up to an overall maximum of 39 weeks. But these extended benefits are available only when the "insured unemployment rate" for the nation is no lower than 4.5 percent for three consecutive months. This "insured unemployment rate" is not to be confused with the national unemployment rate; it is based upon the number of jobless workers claiming benefits each month, and earlier we have seen that only three or four out of every 10 unemployed persons claim and get jobless benefits. In other words the "insured unemployment rate" doesn't reflect the level of unemployment because it doesn't embrace those who have exhausted unemployment benefits nor the millions disqualified under state laws. With the President's chief economic advisor, Kenneth Rush, predicting that the unemployment rate will go up to 5.8 this year (in May it was 5.2 and there were 4.708 million Americans out of work), there is a greater need than ever to protect poor and inexperienced workers who are particularly vulnerable.

In my judgment four basic changes should be considered: 1) Protection should be extended to all workers; 2) Weekly benefit standards should be two-thirds of normal pay, up to a maximum no lower than two-thirds of the state average weekly pay; 3) Duration standards should have as a minimum 26 weeks of benefits for workers with 20 weeks of work; 4) The triggered extended benefit scheme should be replaced with a 100 percent federally extended benefit program with no triggers attached.

Robert W. Dietsch

Yours If You Dig It

Public Lands

Albuquerque, NM

On the slopes of Mt. Taylor, rising 11,301 feet to dominate its surroundings in Cibola National Forest some 60 miles west of this city, crews of Gulf Mineral Resources are core drilling among the clusters of pine to locate a rich deposit of uranium hidden in the bowels of the mountain. The value of the deposit, estimated at 20 to 30 million pounds, is between $200 and $300 million at today's prices. It's on public lands but the public won't get a dime. It's typical of what will happen to billions of dollars worth of scarce uranium, copper, gold and silver buried under over 600 million acres of public lands—unless Congress changes the antiquated mining law of 1872 which makes this sort of robbery legal and which was written, as Gulf Mineral's area exploration manager K. M. Castleman admits, for the man with a donkey, a pick and a shovel.

The 1872 law allows an individual or company to file a claim on ferrous mineral deposits under land administered by the Bureau of Land Management (BLM) and most national forest lands, once the deposit has been proven (thus the core drilling) and a modest sum has been spent to develop the property, get a patent or clear title to the land. Not a cent need be paid to the federal treasury. Gulf Mineral will eventually own a strip of 20-acre plots up one side of Mt. Taylor and down the other and the taxpayers won't get any royalties.

It was this 1872 law that made possible the boom and bust days of silver, gold and copper towns that

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added so much to the lore of the West, brought huge fortunes to a few lucky ones and hastened the development of that sparsely populated area. Many of these boom towns are now ghost towns. The last great fortune hunt in the West came in the '50s and early '60s when explorers with geiger counters prowled the landscape for signs of uranium that would make them millionaires. A few struck it rich. But like copper, silver and gold deposits of the last century, the rich, easily recoverable deposits have been claimed and largely worked out and what remains often defies the capacities of a single fortune hunter. The Mining Law of 1920 eliminated such precious resources as oil and coal from the original provisions of the bill, making them subject to lease instead. But the ferrous metals stayed under the old rules.

For several years running, Chairman Henry M. Jackson (D, Wash.) of the Senate Interior Committee has been pushing a pair of bills, one to give the Department of Interior tighter management over BLM lands and the second to make the ferrous family of minerals subject to leasing. Jackson tried to push the two through as one bill but was stymied so he split them. Several reasons are cited for his earlier failure. Foremost is the heavy backlog of environmental legislation, resource management in general and the growing energy crisis. But there are others. Until he was defeated in the 1972 primary, Wayne N. Aspinall (D, Colo.), chairman of the House Interior Committee, blocked both a change in the 1872 mining law and an even more modest proposal that claims be subject to a mandatory federal registration. Today BLM has no idea of how many claims have been filed on the 450 million acres it supervises because the only procedure required is to file a claim at a county courthouse.

Aspinall's stand was strongly applauded by smaller mining companies and individuals digging out a living from marginal claims, and as long as he was in Congress Aspinall was a powerful voice for those interests, both in his own area on the Western slope of Colorado and in other states of the West. But he's gone, and in one of those rare displays of unity in today's strife-torn atmosphere in Washington, the administration is joining with Jackson to urge enactment of the two bills.

There are two overriding reasons for quick action. The first is the looming shortage of resources. In May the US Geological Survey completed a study of known resources, public and private, and warned that our mineral supplies are "seriously depleted and future supplies must come from subeconomic deposits or from potential resources yet to be discovered." For example the US has 273,000 tons of domestic uranium recoverable at present prices, enough to meet anticipated needs into the 1980s. Known domestic reserves of copper (76 million tons) will last only 45 years at current rates of consumption. In the case of minerals such as the bauxite and alumina used for aluminum, manganese (essential to the manufacture of steel) and silver, much of the domestic supply is so low in grade that technological breakthroughs are needed to make them economic. It is urgent to carefully manage those remaining resources on federal lands, something that can't be done in the case of ferrous minerals under the old 1872 law unless the government simply withdraws large acreages from exploration, a move that would be greeted with howls.

Then there are the environmental concerns. Once Gulf Mineral gets a patent on its strip, it will be privately owned land not only in a national forest but at the highest peak. It could sink a shaft right at the top if it so desired. Gulf Mineral expects to tunnel from near the base to get the uranium ore out, a not-too-conspicuous operation. But there's no guarantee that will always be the case, particularly as our search for scarce mineral resources becomes more desperate.

Finally there's the taxpayer's interest. Amazing as it seems, there's no inventory of mineral resources under federal lands. Why? Some say the Geological Survey, the obvious agency to conduct such a study, has never been given the money it needs to undertake one. The Geological Survey has never gone in for deep drilling, which can be very expensive. Gulf Mineral is spending between $60,000 and $100,000 for a single bore hole on Mt. Taylor and it takes from 10 to 40 days to drill it. No one disputes a dollar value of these resources under federal lands, the royalties from which could run into billions for the federal treasury if the 1872 law were revised to require leasing instead of allowing claimants to get title to that land.

It becomes even more urgent as Alaska's vast land reserves, largely unexplored, are divided up between federal and state holdings and native claims. At least one large copper deposit is on land slated to become part of the national forest status, and unless the 1872 law is changed or the land withdrawn, it will become subject to private ownership.

The major companies do not oppose revision of the law. Their officials know operations like Gulf Mineral's are beyond the resources of private individuals or small companies and that it would be easier to lease than patent 1200 separate claims of 20 acres, as Gulf Mineral is doing on Mt. Taylor. Jackson is moving the first of his two bills—the one updating BLM management of its lands—through Congress. There are other possibilities. One is Sen. Adlai E. Stevenson's plan to set up a public corporation to develop resources under federal lands. Another is Sen. Lloyd Bentsen's proposal to split the take from the federal oil reserves 65-35, with the larger share going to the public until the sharing can be extended to ferrous minerals, thus giving the taxpayer an all-around break as good as the desert shiekdoms get.

Paul R. Wieck

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The President's Day in Court

Toward the end of James St. Clair's main argument to the Supreme Court in the case of the President's tapes, Justice Powell said he wanted to "get back to what seems rather fundamental to me." These exchanges followed:

Q. Let us assume that it had been established that the conversations we are talking about here today did involve a criminal conspiracy, would you still be asserting an absolute privilege?
A. Yes, quite clearly . . . .
Q. As I understand it, the public interest behind that privilege is the preservation of candor in discussions between the President and his closest aides . . . What public interest is there in preserving secrecy with respect to a criminal conspiracy?
A. The answer, sir, is that a criminal conspiracy is criminal only after it's proven to be criminal . . . . You should not destroy the privilege in the anticipation of criminality which may never come to pass.

The colloquy showed as well as any, that day, how far Mr. Nixon's lawyer had to go—and was unhesitatingly prepared to go—to defend his client's claim. Even a judge as gentle in voice and character as Lewis Powell seemed on the verge of astonishment.

The argument made clear, if anyone had doubted it before, that the justices would have to do a number of astonishing things in order to decide in the President's favor. They would, for example, have to forget all they know as citizens about the unique criminal record of the Nixon administration—or hold that such criminality must be put beyond the judicial process in order to protect the confidentiality of legitimate government business. They would very likely have to turn their backs on the doctrine established since *Marbury v. Madison* in 1803, that courts are the ultimate interpreters of the American Constitution, and bestow on the President the right to define his own constitutional powers.

It seems rather unlikely that the Supreme Court will do quite so many acrobatic turns before breakfast. The indications of attitude to be picked up at the argument, from the justices' questions, were not hopeful for the President. An especially interesting clue was the skepticism several justices seemed to show for a jurisdictional argument that would enable them to avoid the larger issues of power. That was the argument, first made in this magazine by Alexander M. Bickel, that Special Prosecutor Jaworski has no standing in court because he is just an inferior officer of the executive branch trying to litigate a mere intra-executive dispute. Justice Stewart and Chief Justice Burger suggested that any such position had been waived in the rules assuring Mr. Jaworski independence. The rules gave him the right to contest any claim of privilege, the Chief Justice noted, which "presupposed that the President had a right to assert the privilege—not the right to assert it necessarily with complete finality."

As theater, then, the argument of this great case lacked the tension that comes from conflicting constitutional claims of somewhat equal weight. What was interesting was to follow the unyielding toughness of Mr. St. Clair's line—Mr. Nixon's line—and wonder where it would end.

This was the St. Clair logic: The President is absolutely beyond reach of the judicial process. He may not be indicted while in office, or named by a grand jury as an unindicted co-conspirator, or required to provide evidence. The only kind of "law" that can touch him is the process of impeachment. In that the President has the right to "decide as a political matter" what evidence "should be made available to the House." The Supreme Court should not be drawn into the political area of impeachment, and it inevitably will be if it enforces Mr. Jaworski's subpoena because those tapes will find their way to the impeachment inquiry.

Nodding, one might for just a moment have drifted into that never-never land. But not for long. After all the only reason that the House Judiciary Committee has any tapes is that the firestorm after the dismissal of Archibald Cox last October forced Mr. Nixon to surrender some to Judge Sirica, and the grand jury then forwarded them to the committee. And it was the certainty of their eventual disclosure that led to the Nixon decision to publish the edited transcripts. What would actually be wrong, legally speaking, if further tapes made their way to the House committee? The short answer is that it is no concern of the Supreme Court's now what the House of Representatives may command from Mr. Jaworski later. For the Court to plan against such a contingency would indeed be to inject itself

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the August 10 and 24 issues will be omitted

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into the impeachment process.

Only Justice Marshall expressed out loud, with suitable irony, any doubts about the St. Clair formula for dealing with presidential wrongdoing: "How are you going to impeach him if you don't know about it?" But most Supreme Court justices, whatever their other failings in that impossible job, are as aware of realities as the rest of us. And so the real question is what Mr. Nixon will do if and when the Court says that he is subject to the judicial process and that under the circumstances he must obey this subpoena.

One possibility is that he will refuse to comply, and risk impeachment and conviction for that defiance itself. That course is certainly a possibility for a man whose life has been imprinted with the fantasy of the friendless warrior struggling against surrounding armies. But it may be less likely than another dose of the strategy that has well succeeded in holding off disaster so far in Watergate: the strategy of delay and obfuscation. The President could take time to consider, then reluctantly agree to comply, take more weeks or months to screen the tapes for the cover-up prosecution, then litigate against any effort to convey them to the impeachment inquiry. Through it all, the Judiciary Committee and the House might be waiting, paralyzed. And 1976 would be drawing closer.

But there is an intangible that could make all the difference: the mysterious hold that the Supreme Court has on the respect of the American people. Academic and other critics have told us in every decade that the justices are only human beings, and ones not usually exceptional in scholarship or philosophical attainment. True enough, but the public has felt something beyond logic. It has felt safety in the institution of a powerful court, a body removed from partisan passion. Even when the Court has offended opinion with particular decisions, and clashed with immensely popular Presidents, it has generally had popular support for its independence. Franklin Roosevelt, newly elected in a landslide, found that out in 1937 when he took on the Nine Old Men. He was humiliated, and his ability to obtain domestic legislation was permanently crippled.

Presidents play games with the courts at their peril. A public sense that Mr. Nixon was tampering with the judicial process surely produced the explosion of outrage that nearly drove him from office after he dismissed Archibald Cox last October. If the Court should now produce a definitive decision against him, and he should seem to be playing with it, even Congress might find the courage to say enough is enough. It was this larger sense of the judiciary's remarkable role in our politics—the sense of history—that made the argument in the poetically named case of *United States v. Richard M. Nixon* a great occasion.

Anthony Lewis

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The Nixon Watch

One Way Out

Key Biscayne

Mr. Nixon's journey to his third Soviet-American summit began well for him, in rather surprising circumstances. He stopped in Brussels on his way to Moscow, ostensibly to join other heads of NATO governments in signing a new "Declaration on Atlantic Relations" that the North Atlantic council of foreign ministers had approved in Ottawa on June 19. The declaration was a feeble document, a meager accomplishment of the "Year of Europe" that Henry Kissinger proclaimed as the centerpiece of American policy in April 1973. It was little more than a restatement of principles and pieties that the original planners of the North Atlantic Treaty set forth in 1949. The crux of the declaration was supposed to be a passage in which the new President of France, Giscard d'Estaing, and his foreign minister tried to impose upon the United States a legally binding commitment to consult other members of the Atlantic alliance in any and all matters that might affect their interests. The passage was reduced in discussions with Secretary Kissinger to a vapid assertion that the welfare of the alliance "requires the maintenance of close consultations, cooperation and mutual trust."

Kissinger and Mr. Nixon were still in the Middle East, concluding the celebration of Israeli and Arab troop disengagement that took the President from Cairo to Amman by way of Jerusalem, when the accompanying White House staff announced that NATO Secretary General Joseph Luns had invited the heads of alliance governments to meet the President in Brussels on June 26. Reporters in the enormous Nixon press party took the announcement, in itself an arrogant action that should have been left to Secretary General Luns, to be final evidence (if any were needed) that the President was determined to use foreign policy and foreign travel to the very utmost in his struggle to distract the American public from Watergate and from the latest of the Watergate findings and disclosures that were about to cascade upon him. When Secretary Kissinger had earlier been reminded in Ottawa that the NATO allies had already been told of American plans for the Moscow summit and in view of that fact was asked what "the purpose and point" of the Brussels convocation was, the best answer that he could offer was that it would "give adequate solemnity" to the signing of the new declaration and give Mr. Nixon "an opportunity to exchange views with his colleagues before going to Moscow."

One might have expected, and this reporter did expect, an air of deprecation at best and of subdued resentment at worst from the officials who had been summoned in this fashion to greet Mr. Nixon in the

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NATO council hall on the outskirts of Brussels. The only (and perhaps deceptive) indication of such an attitude was the absence of Giscard d'Estaing. The observed attitude, discernibly and definitely not feigned by the chancellors, prime ministers, premiers and other officials who displayed it, was delight at meeting the President and a sense that their governments and the alliance were honored by his presence. The Belgian-European television network told viewers throughout the cool and cloudy morning that the transient appearance on the screen of the currently ascendant men of Europe, the smiling and preening dignitaries who preceded Mr. Nixon, was merely preliminary to the great event of the day, the arrival at NATO headquarters of the President of the United States. The announcers kept repeating without abbreviation, "the President of the United States." For an American reporter who was saturated with Watergate and imbued throughout the summit trip with a feeling that it could be this President's last journey of the kind, the Brussels reception was a valued reminder that there still are times and places when and where the presidency should be and is distinguished from the President. It must be added that I was not always sure that Chancellor Helmut Schmidt of Germany, Premier Mariano Rumor of Italy, Prime Minister Harold Wilson of Great Britain (whose jokey exchanges with Kissinger caused me to ask a colleague what a British prime minister could be laughing at just then) and the others in the greeting line were distinguishing all that completely between the presidency and the President. Some of them seemed with their show of cordiality to be saying to the cameras and to the world that they didn't understand how a chief of state who had tried to do so much for the American role in the world, whether they like the particular role or not, could have been brought to the verge of impeachment and ruin by such a thing as Watergate.

"My husband is pro-Nixon. He's for resignation instead of impeachment."

Reporters in the NATO hall noted with special interest and for a special reason that Mr. Nixon took his seat at the head of the horseshoe table before the others entered and remained seated while they stood, greeting him. The reason for the special interest was that CBS correspondent Dan Rather had broken through 15 days of White House secrecy and reported on the evening before Mr. Nixon left Washington for Brussels that he had suffered from phlebitis throughout his Middle East trip and continued to suffer from it at the start of his trip to the Soviet Union. Phlebitis is a swelling of the leg veins that can be accompanied by blood clots and pain. It can be trivial and it can have grave consequences, ranging from disablement to abrupt death. The concealment of the President's phlebitis and the subsequent handling of the matter by him, his physicians and his spokesmen tells so much about Richard Nixon, his mentality and the mentality around him that I turn from the summit journey as such and set down the gist of what has been observed and learned from Brussels through Moscow and Yalta and Minsk to Key Biscayne, about the phlebitis story.

At the village of Bad Axe, Michigan, in early April, Mr. Nixon was addressing a street rally when I noticed his chief physician, Maj. Gen. Walter Tkach, gazing at the President with a look of unmistakable and extreme concern. A few days later, in Key Biscayne, Tkach said that he was indeed concerned and presumably looked it, but only because he thought the President was unduly exposing himself to assault. That's for the Secret Service to worry about. I suspected that Tkach was less than frank, but there was nothing to go on, other than the weariness that Mr. Nixon frequently exhibits. During the President's flight to Brussels and at Brussels, Press Secretary Ronald Ziegler said it was true that Mr. Nixon briefly concealed his leg condition from Dr. Tkach, revealed it to him at Salzburg on the way to Cairo, and suffered some pain and wore an elastic bandage on his left leg during part of the time in the Middle East. As for the secrecy Ziegler said the President didn't want to have everyone he met in the Middle East "asking him how is his phlebitis . . . and being concerned about his movements and so forth." When Ziegler was asked whether the phlebitis had anything to do with the look of distraught sadness that I reported in my account of the Mideast trip, he first said the President didn't look distraught and sad. When he was asked whether the

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phlebitis had anything to do with the President's appearance, however it might be described, he answered that "maybe it did, a little bit." My view remains that Watergate, more than phlebitis, had to do with that look of sadness.

Now we jump ahead a bit, first to the Kremlin quarters where the President was staying on the morning of July 2 and then to the weekend following July 4 in Key Biscayne. A junior Nixon staffer told me at the Kremlin that Dr. Tkach and his assistant, Rear Adm. William Lukash, had begged the President in Salzburg to cancel the Mideast trip and had warned him in the most urgent terms that he risked death from a rush of blood clots to the lungs and arteries. The assistant said that the President rejected the advice and ordered his physicians, along with the few other assistants who knew of the problem, to keep absolutely quiet about it. After the President arrived at his home on Key Biscayne for rest and preparation for the Watergate ordeals to come in Washington, Dr. Tkach told Paul Healy of the New York *Daily News* essentially what the junior assistant had told me at the Kremlin. Ziegler confided to a reporter that at times in the Middle East, particularly in Cairo and during a tiring train ride from Cairo to Alexandria, the President had been in "severe pain" and "terrible pain." Ziegler continued to say, as he'd been saying in Brussels and the Soviet Union, that the danger of a clot rush had passed but that the swelling and some mild pain persisted. Reporters learned for the first time of the scene in Salzburg when the President confessed that he'd been holding out. Not only Tkach and Lukash but Haig and Ziegler insisted upon seeing for themselves the swollen, tender area of the left leg—they still were not saying just where it was—that signaled the phlebitis. Questions derived from all of this that a reporter put in Key Biscayne to Ziegler and to Gen. Alexander Haig, the President's staff chief, elicited related but somewhat different answers. Understanding the questions and the answers requires a recapitulation of the President's behavior in the Middle East and in the Soviet Union.

Mr. Nixon didn't have to stand for hours in reception lines in Cairo and Alexandria, endure hours seated in punishing restriction in motorcade cars, and (as Ziegler later described it) suffer that agonizing train ride to Alexandria. But he did. He didn't have to clamber up rough slopes and stand on jagged rocks and otherwise exert himself in blistering heat at the Egyptian pyramids. But he did. He didn't have to walk under a blazing sun, in heat that damn near prostrated me and younger reporters, from one royal palace to another in Jeddah, Saudi Arabia. But he did. In Brussels after his heartening reception at NATO headquarters, he didn't have to walk three long blocks from the American ambassador's residence to the royal palace, part of the way over rough cobbles, shaking hands with delighted onlookers and, in front of the palace, retracing his steps to congratulate the commander of the royal horse guard upon his and his mounted men's handsome appearance. But he did. In Moscow he didn't have to repeat the ceremonial laying of a wreath to the war dead that he'd gone through in 1972, requiring a slow march to and up a flight of steps that would tax healthy legs. But he did.

At Yalta on the mountainous and lovely Crimean coast, to which he flew and motored from Moscow at the insistence of Leonid Brezhnev, the big and serious story was the shock—still not adequately explained and perhaps to be dealt with in a later column—that the President and Henry Kissinger got when they were exposed to the full ferocity of Soviet refusal to accept any nuclear arms deal that would curtail Soviet freedom to achieve what its leaders consider to be a degree of parity that much of our officialdom would hold to be nuclear superiority over the US. The lesser story (if it *is* a lesser story) that interests me has still to do with Mr. Nixon's behavior. He didn't have to put up with a long drive, confining and harmful to phlebitic legs, from Simferopol airport to Yalta and back again. But he did. He could have taken a much shorter Soviet helicopter ride on one or both of these trips. But he didn't. He didn't have to take a longish walk with Brezhnev for the benefit of reporters but he did. He didn't have to follow his stay at Yalta with an empty and arduous stay at Minsk, the capital of the synthetic non-country of Byelo-Russia, entailing among other activities a long walk over rough concrete slabs to and from the famous Khatyn memorial to millions of Soviet victims of Nazi atrocities. But he did and I saw him wince and stumble, slightly but visibly, at the end of the walk. Although Ziegler and Haig talked later as if it hadn't happened, the President suffered a substantial flare-up of his phlebitis in Minsk and his doctors were alarmed by it.

A reporter had these and similar episodes in mind when he asked Gen. Haig in Key Biscayne whether he had reason to believe that Richard Nixon had wanted his phlebitis to free him from life and from Watergate. Gen. Haig might have been or pretended to be outraged by the question. He accepted it as a serious question. He said that so far as he knew the President had no such wish or thought. Ronald Ziegler reacted differently to a somewhat different question. When Ziegler was asked whether Dr. Tkach had discussed with others on the staff a possibility of disablement short of death, Ziegler misunderstood the question. He took it to be a revival of the notion, more popular in late 1972 and early 1973 than it's been lately, that Mr. Nixon was toying with the thought of pleading physical disability and resigning when and if impeachment and conviction became certain. Ziegler said that the President was not thinking of using his phlebitis in this way to escape judgment.

John Osborne

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The Official Line on the SLA

Corrupting the Prisoners

by Robert Sommer and Barbara A. Sommer

On only one issue is there unanimity among correctional officials, prison inmates, state legislators and the general public. Our prison system doesn't work very well. Apart from those inmates who can turn off emotionally, almost everyone is corrupted by the lucrative drug trade, the rampant homosexuality, the sale of soft jobs and good cells, the foul language, the general adherence to criminal values. Prior to the civil rights movement there had been a clear status hierarchy with white inmates at the top level, or in some cases two parallel social systems, one black and one white, but generally with the whites possessing more privileges and amenities. Contrary to the views of some prison officials, the civil rights movement did not create the racial polarization among the inmates. This situation has always existed in our prisons by official and unofficial policies of racial segregation. The civil rights movement did impel many black inmates to question the legitimacy of their second-rate position within the institution. Most of the guards and virtually all of the top administrators were white and a disproportionate number of inmates were black, brown or native American. The result was polarities within the inmate society based on ethnic affiliation.

Long-time correctional administrators look back nostalgically upon the old days when the con bosses kept things cool. Officials don't know how to deal with Chicano groups like La Familia or the Mexican Mafia. It took almost a decade of constant friction and oppression before they learned how to relate to the Black Muslims. Now the short haired, hard working Muslims with their tracts, newspapers and bakeries are practically the good guys of the correctional system.

The authorities have continually found scapegoats for prison unrest and violence. Lock-ups and frequent transfers of inmate leaders seem to raise the level of tension even higher. The search for scapegoats first took the form of blaming liberal parole policies employed by lenient judges who were denying prisons the leavening influence of good inmates. Realizing the corrupting influence of penal institutions, judges were taking every opportunity to parole people to the community and were reducing prison terms. The result, prison officials complained, was that the remainder consisted of hard core offenders, the bottom of the barrel. Now, however, prison officials have fallen back on the theory that the unrest and violence are due to outside agitators. Radical lawyers, prisoner rights groups composed largely of ex-cons and liberal do-gooders, are telling the inmate that the fault lies not within him but within society, that he is being unjustly held as a political prisoner, and that the main reasons for his being incarcerated are his race and class. Officials see this as a deliberate attempt to undermine the legitimacy of imprisonment. The myth exists that in the old days inmates accepted the fact that they had broken the law and were being punished. But the legitimacy of imprisonment was no more accepted by inmates 50 years ago than today. The chief difference is that ethnic affiliation has moved to the forefront of consciousness. That is not the work of a few radical lawyers.

Operating on the outside agitator theory, prison officials have tried to screen prisoners and periodicals coming into the prison (fortunately the courts recently have taken a strong stand on censorship of inmates' mail and visitors). California Corrections Chief Raymond K. Procunier blames the Symbionese Liberation Army on the influence of radicals who came into prison as part of a community relations program! "These guys were coming in and intellectualizing with the inmates . . . Here's a marine, here's a college professor, here's a beautiful woman coming in playing the sex role—pretty soon the inmates are part of it and they don't even know what they're part of."

To speak of corruption by young people in visiting programs is particularly odd when one considers the usual history of the prisoner. Apart from the question of who is corrupting whom (most middle-class parents would be appalled at the thought of their college age son, and particularly a daughter, coming into contact with hardened criminals), the prisoner is perceived as some kind of half-witted dupe. Donald DeFreeze, otherwise known as General Field Marshall Cinque of the SLA, was described by Procunier as "a good, average, solid inmate . . . a very unsophisticated convict." Considering persons as dupes implies their inability to get ideas on their own, and is a convenient means of dismissing their ideas. Most cons have a long history of contact with school officials, probation officers, counselors, psychologists and social workers, all of whom have been trained in the arts of attitude

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change. To suggest that prisoners who have effectively resisted the exhortations and authority of social worker, priest and shrink have suddenly crumbled and been brainwashed by a few hippie longhairs seems absurd. Clearly the model used is not one of attitude change but of contagion. The prisoners are seen as having "caught" the radical germ from their visitors, such as a person might unsuspectingly and unresistingly catch chicken pox or measles. However once DeFreeze escaped from prison, the brainwashing proceeded in the opposite direction.

California's prison chief, by some twist of logic, has publicly accepted personal responsibility for the SLA. "It's got to be my fault," Procunier told the 28th Annual Convention of the California Associated Press Television-Radio Association. "We didn't do as good a job as we should have done over the last four or five years of controlling some of these culture groups and ethnic identification groups." Indirectly Procunier seems to be accepting some responsibility for the Patricia Hearst kidnapping, although there is not much likelihood that he will be indicted as a co-conspirator. However the immediate result of the contagion theory is the reduction and elimination of promising programs for bringing more community people into penal institutions to provide some kind of countervailing value system to that of the inmate culture. There have been attempts, based on the contagion theory, to screen attorneys and limit their visits. An anonymous inmate testifying in a closed-door hearing of the California State Subcommittee on Civil Disorder cited the radicalizing effect of prison visits on attorneys—"If they won't pack hacksaw blades for a man today, within a year they will, because they are just like prisoners. Their dedication grows as time goes by, too."

The contagion model does have a bit of truth in it. The young people from Berkeley who visited Vacaville Prison were profoundly affected by what they saw. This has been the case of most every free person who has ever been inside prison walls. Judges in Great Britain are encouraged to spend one or two days inside the jails to which they sentence people. Comments of 23 American judges who volunteered to spend one night in the Nevada State Prison ranged from "Appalling" to "Am I glad to get out of there, I didn't get five minutes sleep." A few of the judges spent the night in solitary confinement, including Judge Irwin Cantor of Phoenix who unknowingly had a knife planted on him by the prison staff. Judge John Fitzgerald of Le Center, Minnesota was shocked by the rampant homosexuality at the prison: "I wasn't kidding when I said I had to sleep on my back."

No person can witness the dehumanizing irrationality of the American prison system and come away unchanged. This more than security is the main reason prison visitation programs have been so limited in scope and influence. It is true that every prison has token invitation programs in both directions, including craft teachers coming in and work furlough people coming out, but these are minuscule compared to the programs in Sweden or Denmark or the mental hospital visitation programs in this country. The original Quaker conception of the penitentiary recognized the corrupting influence of the inmates on one another. Quakers insisted on single cells and no contact between inmates. However, Quakers were not opposed to outside visitors coming to teach prisoners skills and help maintain links with the outside (*i.e.*, "the visits of the virtuous cannot injure"). The Quaker penitentiary was intended to discourage the development of a criminal society and encourage contact between inmates and free world people. This at least was a rational model of contagion. *The National Observer* (June 15, 1974) carried interviews with four prominent ex-inmates of very different political persuasion—Jimmy Hoffa, Mickey Cohen, Philip Berrigan and Dick Gregory. They described the crowding, dreariness, arbitrary rules, brutality, lack of job training, sexual deprivation, and the entire litany of complaints made by most every ex-prisoner since the beginning of the century. There was not a single hint by any of the interviewees that these problems were caused or compounded by outside agitators.

It is not possible in a short article to outline the various alternatives to a prison system that keeps people longer than any other in the Western world and has the highest percentage of recidivists. There are many alternatives possible including the Swedish system of small institutions where isolation from the community, rather than an oppressive institutional regime, is regarded as punishment. Nothing is going to improve in the American system so long as prison officials deny their complicity in their failing institutions by projecting the blame upon the inmates or outside agitators. On repeated occasions the courts have found that prison administrators have taken too much authority over the inmates. This surplus authority has been coupled with the absence of responsibility for the outcome of incarceration. Prison officials cannot by themselves correct the unemployment, racism and poor schools of the larger society, but they do have an obligation to reduce the pathogenic forces within their own institutions. Their problems would be best solved by going public and enlisting outside support for reforms. Hunkering up and projecting the blame isn't going to solve anything.

COMING: Alexander M. Bickel on the Supreme Court's ruling in the case of the *US v. Nixon*

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Stanley Kauffmann on films

Chinatown

(Paramount)

A Free Woman

(New Yorker)

I once spent a day on location in Boston with Otto Preminger when he was shooting scenes for *The Cardinal* with John Huston and Tom Tryon. (The latter, sensibly, has since abandoned acting to write best-seller novels.) Poor Tryon was sweating hard, trying to come up to Huston's level in a quarrel scene between them. Over and over Preminger made them do the scene, Tryon laboring weakly, Huston quietly roaring. Finally Preminger yelled at Tryon: "Why don't you give it some gots?" He gestured at Huston. "This man has gots. Why don't you give it some gots like him?"

Huston does have "gots" as an actor, which he shows again effortlessly in *Chinatown*. He arrives fairly well along in the story, but when he does—as a ruthless, falsely smiling, imperial multimillionaire—he comes in like a one-man brigade. Jack Nicholson, with whom he plays all his scenes, is no Tom Tryon: Nicholson, as they say in the theater, knows how to protect himself. But as I watched, I wished that Huston had devoted his recent years exclusively to acting, instead of directing. He certainly would have given at least one viewer more pleasure.

However the special reason he is in the film, I guess, is because he is a director—the one who made *The Maltese Falcon*. Roman Polanski, who made *Chinatown*, obviously intends it as homage to the pre-war Hollywood and to the *Falcon* in particular. It's set in Los Angeles in the '30s; it's a mystery with a private eye (Nicholson for Bogart); a heroine of mixed morals (Faye Dunaway for Mary Astor); and Huston in what might be called a lean version of the Sydney Greenstreet role (but with a very fat man as a medical examiner). It would slight Polanski to say that this is his Bogdanovich film; if Bogdanovich lives to 100, he'll never make a *Knife in the Water*. Still, like the young American, Polanski is reveling in dreams—not dreams come true (this *is* 1974) but dreams he need not wake from. Here he is working in Hollywood in one of those yummy old genres and actually directing one of the people he used to fantasize about, back there at the film school in Lodz.

Besides the difference in talent from Bogdanovich, there are other Polanski particularities. First, as usual, the revolting cruelty, which has been in his work ever since his 1958 short *Two Men and a Wardrobe*, where you can hear someone being beaten on the head with a rock. In *Chinatown* Polanski even puts himself on screen to perform the cruelty. (He's been putting himself in his own pictures ever since he played an old woman in a short at the film school.) Here he is a hood. Another hood holds the snooping Nicholson at gunpoint, and Polanski, warning the private eye not to be so nosy, inserts a knife tip in Nicholson's left nostril and flicks it outward. It's a small action but cunningly repellent, much more sickening than some grosser violence.

But Polanski is cinematically clever in other ways too. He then converts that action into cinematic humor and emblem. From then on, for at least half the film, Nicholson either has a big bandage on his nose or, later, some stitches showing fuzzily. It's a neat mockery of the way heroes were/are supposed to look, a constant reminder of the danger the hero is in, and a kind of prosaic cavalier's plume. To put it negatively, it certainly doesn't make him less attractive to Dunaway.

The script, an original, was written by Robert Towne who did the adaptation of *The Last Detail* for Nicholson. Towne shows himself again an above-average screen "imaginer" with a gift for pungent dialogue. (Most screenplays these days have better dialogue than most new realistic plays in the New York theater.) The plot is based on, I gather, a real-life story of skulduggery and huge graft in and around the LA water supply system when the city was expanding in the '30s. The title, *Chinatown*, is symbolic. Nicholson, now on his own, once was a city detective assigned to Chinatown, and that duty is a kind of black patch on his past. The action of the present story ends, rather arbitrarily, in that Chinatown.

The generally good script struggles under two real burdens. It's much too long—130 minutes is more than any thriller can sustain. Whole episodes, like one in an orchard, could and should have been dropped. When you begin to feel a picture is ending and it doesn't, that picture begins to be in trouble, especially a thriller. The last 20 minutes, by the time they arrive, come 20 minutes too late to keep the film from dragging.

The second trouble comes from its short but fancy title. Towne has patently set up what he considers a moral symbology under the surface of his thriller—the "Chinatown" in each man's life or the "Chinatown" of America's soul, etc. I foresee such film-journal items as *Between Two Underworlds: Moral Ambiguity in Polanski's "Chinatown"* and *The Scent of Violence: Nicholson's Nose as the New Moby Dick*. (In a time when Howard Hawks is compared with Samuel Beckett, which happened recently, parody is impossible.) Pundits of popular culture can find Deeper Meaning in absolutely anything; Towne has made it too easy for them.

Excepting his toleration—possibly his encouragement—of these faults in the script, Polanski has directed smartly. The film is black and white through the credits, and the first shot is black and white—a still photograph (of a sex act, natch). The camera pulls back to show us, in the color that is thereafter the medium, a man examining the photo. The whole device underscores that the past is being seen by the present. With John A. Alonzo's camera, Polanski makes Dunaway look more attractive

(continued on page 34)

Films Worth Seeing

The Conversation. An electronic snooper gets morally involved in his work. Some sags and forced images, but mostly intelligent and well made.

Going Places. French youth in the post-revolutionary '70s. Purposely outrageous, socially valid, funny, scary, sad.

The Parallax View. A mysterious agency bumps off presidential aspirants. Finally irresponsible but plentifully zippy en route.

Wedding in Blood. Claude Chabrol wrote a trite script about marital transgression and murder, then he directed it creamily.

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Summer Literary Number

The Message of D. H. Lawrence

The enemies of D. H. Lawrence's fame were, as E. M. Forster noted, Mrs. Grundy and Aspasia, but the years have routed both. The lowbrow prudery that censured his romantic sexology is surely driven upon its last defenses in this age of high porn while the highbrow snobbery that dismissed his novels as boring and formless has been replaced by critical appreciation. Still there is the problem of his ideas; if only he had not felt so obligated to preach; if only his wonderfully sensational imagination was not constantly submerged in a boiling sea of notions—some of which had disastrous later histories, like the suggestion that we should do more "thinking with the blood." Forster, who thought that Lawrence was the greatest novelist of their generation, warned, however, that we could not take him without taking his ideas too. "Without the preaching the poetry could not exist. With some writers one can disentangle the two; with him they were inseparable." His message had, in fact, extraordinary and never predictable artistic consequences. "Although I cannot believe in it," said Forster, "it is the mainspring of his greatness."

D. H. Lawrence: The Man and his Work
by Emile Delavenay
(Southern Illinois University Press; $25)

D. H. Lawrence: Novelist, Poet, Prophet
edited by Stephen Spender
(Harper & Row; $12.95)

D. H. Lawrence
by Frank Kermode
(Viking; $6.95)

The von Richthofen Sisters
by Martin Green
(Basic Books; $12.50)

D. H. Lawrence: The World of the Five Major Novels
by Scott Sanders
(Viking; $8.95)

Frieda Lawrence
by Robert Lucas
(Viking; $8.95)

Half a century later, we are not any more prepared to "believe in" the whole of Lawrence's doctrine. But a mysterious vibration comes and touches us nearly as we read him now. Yes, he had the right obsession—not with sex, as is usually supposed, but with the great theme of separation and jointure of which sex is only an aspect. More than any writer of the century he felt the isolation of the single consciousness, the otherness of what lies outside it in society or beyond, in nature. Society, which should provide union without diminishing of distinction has made us both atomic and a mass. The split between nature and culture that had seemed a disaster for the first time in history to the Romantic Age now seems immeasurable. And the collateral dichotomies—that of mind and body, or of the conscious and unconscious parts of mind, or of intellect and feeling—seem separated by a dissociation of sensibility that Lawrence saw as cleaving all experience into halves.

Fundamental to his dualism, perhaps the source of it in his own experience, was his awareness of the divisions in the social world of function and of class. The miner's son, whose mother was a schoolteacher with aspirations toward middle-class refinement, never forgot the true cause of his parents' conflict—the severance of labor from managerial intelligence, the alienation from each other, in the social scale, of body from mind. So he never forgot Eastwood, the mining community where he had grown up, and the diagnosis of the fracturing of the family, begun in the autobiographical *Sons and Lovers* but pursued beyond it, arises from his understanding of what the too-isolate male and female qualities do to one another when translated into social antagonisms. His most hopeful vision identifies the meeting of classes with that of sexuality in the tender reconcilement of *Lady Chatterley's Lover*. Of course his own marriage had symbolic importance for him. He took satisfaction in having married a baronness, but there was more than swagger in his satisfaction; Frieda was that social other that the miner's son (*he* the greater intellectual, *she* the more passional) needed to believe he had brought into connection with the natural wisdom of labor and the body.

Male and female, the dichotomies of sex, seemed to him electric polarities across which the spark of energy expressive of the will to universal union must pass without destroying the singular self. Sex was at the center of his novels, especially up to the completion of *Women in Love*, but it was, again, symbol as well as fact, the expression of that "forked flame" that seemed a universal dialectic. There is thus the enormous pressure of all these social and metaphysical kinds of awareness in Lawrence's description of the attraction between men and women. His characters seem to reach toward one another out of a depth of distance beyond the personal. One may think, for example, of the early pages of *The Rainbow*, which describe the wooing and marriage of Tom Brangwen and the Polish Lydia. She is the stranger whose foreignness is another representation of the outer boundary toward which the soul reaches. All the Lawrentian magnification is in the scene when he goes to court her, and, hesitating outside her house, sees her through the window lost in her own thoughts, while the wind—like passion—blows upon the house and shakes the room. But the union achieved becomes, in the next generation, more problematical, and in the love story of Lydia's granddaughter, Ursula, the modern age is upon us and the magnetics of sex have become destructive, a falling into one another of selves no longer serene and entire.

If Lawrence's message is taken as literally sexual, it may not seem immediately contemporary. As Diana Trilling points out in the collection by various hands edited by Stephen Spender, Lawrence appealed to the '30s, the decade of the Depression and the struggle against fascism, in which the pleasure principle

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was abrogated in favor of a stern economics of the emotions. Lawrence charged the erotic life with significance, magnitude, mystery, to the point, as the *next* generation complained, of puritanism. For the '50s and after—amidst social conditions that left the individual with little sense of meaningful choice, "unconditioned sexuality" was the norm—sex as an end in itself, "coupling" rather than "mating," which Lawrence would have detested. Yet, perhaps Trilling has misunderstood the young mystics of today who seek transcendence through drugs and meditation and sex as well. How Lawrence differs from them is probably in his insistence upon the positive value of selfhood, an unwillingness to merge in the All—or even in union with one other person—at the cost of individuality. The coexistence of unity and polarity may be the coming religion of love.

His own pessimism about the present possibilities of men and women deepened as he lived through the anguish of World War I, which meant alienation from his countrymen while the sense of betrayal and conflict penetrated friendships and his marriage. In his writing sexuality becomes only uncertainly the door to the personal Utopia that is as elusive as the dream of Rananim, the actual social Utopia in Florida planned by Lawrence and his friends. Homosexuality now seems to him a necessary complement, if not a superior alternative, to love between the sexes. This is the period that produced *Women in Love,* the daring, complex novel of modern life that he himself said was so "end-of-the world," the book that expresses his realization that the vision of the overarching rainbow was premature. In it the overtones of the relation between the two men, Birkin and Crich, are unmistakably homosexual if read in the light of the original prologue Lawrence wrote and then eliminated, perhaps with a thought for the censor. Less noted, generally, is the partial failure of Birkin's relationship with Ursula, and their union, finally, via buggery, which Jeffrey Meyers in the Spender volume says, harshly, "sublimates Birkin's homosexual desires by satisfying them in an alternative and perhaps even more perverse way." In *Aaron's Rod,* which was published two years later, the heterosexual bond is more clearly an inferior one, and critics have seen the failure of Aaron's relation with his wife as clearly connected with his more satisfying attachment to his friend Lilly. The trend thus expressed may have a personal basis in his troubles with Frieda, his longing for a deeper connection with John Middleton Murry. But one can see that he has moved away from a faith in sex as an enterprise by which human beings may attain polarity-in-tension; love on the same side of the sexual fence is never so daunting as love across it—it is a way, after all, of loving what is like rather than unlike oneself. After this in Lawrence's fiction the egoist will is to be the supreme human quality—maybe because he has found the democratic solution to be a failure either in the family or society at large. Hence the "fascist" overtones of Lawrence's exaltation of male leadership in *Kangaroo* and *The Plumed Serpent.*

Lawrence's doctrines and their sources have only just begun to seriously interest his critics. It is now clear that he had a relation to a thought-stream more complicated and commingled than that of English nonconformism, to which F. R. Leavis pointed when Eliot charged that Lawrence lacked *any* cultural lineage. He is, as Eugene Goodheart has said, one of the "tablet-breakers"—his analogues in the history of literature are Blake, Dostoevsky or Rilke, men with iconoclastic and prophetic visions who constitute an international tradition, if one may term it that, unified only by its deviance from the main current, and in his own time he was a part of what may be called the counterculture of the last years before the war. A case has been made by the French scholar Emile Delavenay for the influence of the Sheffield sage of liberated sex and anti-mechanism, admirer of Whitman and the system of yoga, Edward Carpenter, who had enthusiastic followers in the Midlands; Jessie Chambers and Alice Dax, the Miriam and Clara of *Sons and Lovers,* read his books. Delavenay, whose valuable biographic close-study of Lawrence's formative years has recently been published in English, also argues for other "crank" influences, like the Austrian fascist Otto Weininger and the nationalized German Houston Stewart Chamberlain, who had anti-rationalist theories later to be exploited by the Nazis. The influence of more important German names, of course, must have counted as they did generally for Lawrence's generation in its rebellion against Victorianism—those of Wagner and of Nietzsche.

When Lawrence ran away with the German wife of a Nottingham professor his immersion in this current probably deepened. Bismarck's Germany, the most patriarchal of European countries, also fostered the most extravagant cults of personal rebellion, and Frieda, the daugher of a Junker officer, was part of the wave of revolt against the Father. The degree to which Lawrence may have encountered German cultural dissent is one of the chief bases of interest of a new book that is put forward as a double biography of Frieda and her sister Else. Frieda's own story, of course, is well known, having been told first of all, by herself, and it is fully incorporated by Lawrence's biographers, both Delavenay and Harry T. Moore, whose updated biography has just been published also (reviewed *TNR,* May 4, 1974). In addition Frieda's life has been separately told again by Robert Lucas, whose book, too, has recently come out in translation here. Else has been pretty much an unknown, though she was probably as interesting in her own right as Frieda; she was a brainy girl who took a doctorate under Max Weber, later her lover--the Athene to Frieda's Aphrodite as Lawrence said. But though Green tries to justify the double billing of his title and to parallel as well the men in the sisters' lives, his focus is not on Else and not even on Frieda. His glance, instead, rests most securely on an ambience, the Schwabing district of Munich where there were friends and lovers of the sisters whose ideas Frieda might have carried, like a sacred virus, into her marriage with Lawrence.

In Schwabing they met among others the eccentric psychiatrist Otto Gross, who became the lover of each in turn. He was a heretic follower of Freud who formulated a gospel of libertarian sex—and Frieda kept his letters for years and showed them to Lawrence. Through Gross, Frieda had tangency with an anarchist circle inspired by Kropotkin and Max Stirner—the latter an anti-moralist and anti-intellectualist who envisioned a society of free egotists. There was also the Cosmic Circle, which included the poet Stefan George, who espoused the life values of primitive myth and eroticism, valued instinct over science and the "female mode of being" over the masculine. There was Ludwig Klages, whose *Das Geist als Widersacher der Seele (The Mind as the Soul's Enemy)* proclaims in its very title a Lawrentian proposition. All these—and others in the Schwabing sub-world—looked back with reverence to an older figure, Johann Jacob Bachofen, whose *Das Mutterrecht* (1861) asserted that a matriarchal form of society had preceded the patriarchal, a culture in which there was communality without marriage and the body

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was held in primacy over the mind—also night over day, the moon over the sun. Lawrence, as Green admits, may have read little or nothing of the literature produced by these persons, but Frieda had heard all the talk of Schwabing and, he says, because of her "incarnation and enactment of the matriarchal idea which she imbibed from Otto Gross, Lawrence was the living Bachofen." He declares, in fact, that "her ideological and experiential dowry remained all [Lawrence's] life his major imaginative capital." The claim is extravagant. For one, Lawrence was *not* an exponent of matriarchalism and the female principle—indeed the suspicion of woman in his work, deepening almost to the last, has been detected with some fury by contemporary feminists. Yet there are decided resemblances between Lawrence and the Bachofen tribe, though it is reasonable to assume a participation in common ideas that were bubbling up in many places in those years—as had been mentioned, even in the north of England in the nearby vicinity of Edward Carpenter.

But Lawrence's doctrines may be more profitably extracted from his own texts. John Carey, in the Spender collection, concentrates on the theory enunciated in *Fantasia of the Unconscious* and *Psychoanalysis and the Unconscious*—the pseudo-physiology of the ganglia and the plexuses that makes the most devoted admirer of Lawrence giggle. Laughable as the false science may be, it *functions*, one must remember, in the imaginative world of Lawrence's novels just as Yeats' occultism is a functional part of his poetry. When, for example, in *Aaron's Rod* Lilly cures his friend's constipation by rubbing his "lower parts" with oil we may see simply the homosexual motif already referred to. But Lawrence wants us to understand that Aaron's lumbar ganglion is being stimulated so that his backbone may be strengthened and his emotions about his wife, like alien matter, may be expelled. The strange thing is that the scene is given a passionate conviction in Lawrence's representation—the pseudo-science seems to work as a metaphor for obscure changes achieved in Aaron and Lilly's friendship, a correction of the submergence of self in sexuality from which Aaron had suffered.

The two psychoanalytic texts are among the better known of Lawrence's essays, easily got at in a cheap edition. This is not the case with one of Lawrence's earliest and most important statements, a preface written for *Sons and Lovers* sent to his literary adviser Edward Garnett, but not published—it has only been available in Huxley's edition of Lawrence's letters, long out of print. But it is rightly described by Delavenay as an "apocalyptic piece, possessing its own logic once the premises are accepted and written in a style

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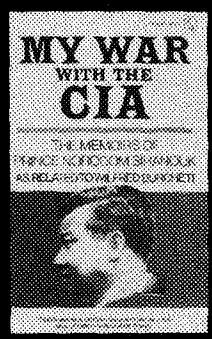

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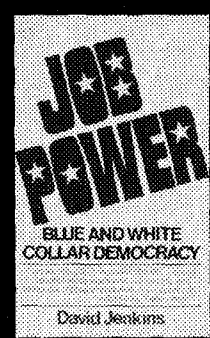

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which combines the most appalling jargon with subtle and persuasive poetry" (it is *not* discussed, it should be noted, in Mr. Moore's biography). It has been fully exploited by Frank Kermode both in an essay in the Spender collection and in his recent small book on Lawrence. To simplify drastically: the preface builds upon the psychological diagnosis of *Sons and Lovers* a cosmic trinitarian scheme, associating Woman with the First Person (the law and the flesh) and Man with the Second. The Holy Ghost is to be manifested in the future when the sexes are united as they are not now capable of being. Kermode recognizes here an old conception, appearing regularly in times of crisis, whose most famous exponent was the 13th-century Joachim of Fiora. What is important and original is Lawrence's attachment to it of a metaphysic of sex. "The need to liberate marriage from the son-loving mother becomes part of a diagnosis of culture which has reached the end of an age of Love and is caught in a long pause . . . before the entry into an age of the Holy Ghost, a Utopia of which the sexual expression would be Lawrentian marriage." Again only the fanatic devotee of Lawrence will urge the independent value of this theory of history. Yet it works, not merely retrospectively to explain *Sons and Lovers* as a description of the condition of contemporary mankind, but as the very basis of the vision to come, the linked progression of generations that he would call into being in *The Rainbow* and *Women in Love*.

But between doctrine and tale there is a contention. Lawrence wrote only a few months later in his *Study of Thomas Hardy*, that "every work of art adheres to some system of morality. But if it be really a work of art, it must contain the essential criticism of the morality to which it adheres." And each of Lawrence's novels, but especially the great ones, as Kermode undertakes to show, richly exhibits that conflict between message and living enactment. As Lawrence went on to write novel after novel he produced a series of didactic statements that should be read in conjunction with the fiction that both disputes and confirms them. The Hardy study is closely related to *The Rainbow*; in his next pronouncement, "The Crown," Lawrence allegorized our era as a period of going asunder when love and law are the unreconciled lion and unicorn—a vision that refers to *Women in Love*. *Aaron's Rod* is completely related to essays written between 1917 and 1920, and his philosophical travel pieces underlie *Kangaroo*, *St. Mawr* and the *Plumed Serpent*. The key metaphysical work of the final period is *Apocalypse*, Lawrence's rereading of the Book of Revelation, which is a last, despairing statement about the fate of individualism and a call for the reestablishment of "organic connections with the cosmos, the sun and earth, with mankind and nation and family," which he thought had been enjoyed by early man. How to recover this world is the inquiry behind his final fictions.

But other intentions remain alive in his writing. Scott Sanders in his new study shows how Lawrence's sense of social causes played an important part in his novels, even though he increasingly tried to suppress it in favor of a metaphysical scheme. In *Sons and Lovers*, located in the Eastwood scene where he had learned his early lessons about class, such meanings are always implicitly present. The struggle between the parents of Paul, the discontent of *all* the women, the role, indeed, of every character in the work can be shown to have explanation as social fact. Miriam, for example, however the narrator seems to define her, is, Sanders points out, an aspirant for social emancipation like Paul himself, and her distaste for physicality is not so much erotic—the *intended* meaning—as it is a wish to evade the materiality of farm and kitchen drudgery to which her mother was bound.

Sanders thus makes plausible a sort of sociologic unconscious that operates beneath the surface of Lawrence's writing, complicating its effect beyond his own thesis. But after *Sons and Lovers* this unconscious retreated further below the surface of narrative. In *The Rainbow* the characters are taken out of the social complex and viewed within an encompassing natural process. Although social forces exist, passion sweeps through the persons in the novel out of the same winds that blow the clouds across the moon. In *Women in Love* history overtakes Lawrence again, and though the miners of *Sons and Lovers* are gone, their master, Gerald Crich, expressed Lawrence's view of the industrial machine. But his theme here and in the novels that follow is vested in a plot that represents a flight from society or a reversion, as in *The Plumed Serpent*, to a mythical order—and the metaphysic triumphs over the living sense of the social world.

It is the willingness to submit his theses to trial, as Kermode says, that accounts for the peculiar greatness and complexity of Lawrence's best works. Characteristically they were evolved through a succession of revisions, incorporating new insights from life as lived in the very process of composition so that the final text was a palimpsest of successively modified interpretations of his material. When this process was dispensed with, as in the case of *Kangaroo*, written in two months while Lawrence was still in Australia, still engaged in the experience that was the novel's basis, the effect is one-dimensional. But in *Sons and Lovers* one can distinguish the layers that represent the evolution of the novel begun while his mother was still alive and he was in love with Jessie Chambers, finished after his mother's death and the death of that first love—a consummation made to seem inevitable. As he wrote it, Lawrence was able to admit the persistent truth of the past even when, in life, a consolidation might seem a moral obligation—as when he sent his manuscript to Jessie so she could comment upon his account of their relationship even while he was living with Frieda who was directing his reinterpretation of it. The result is to make the novel rich in ambiguities not always noticed. The love of son and mother, often assumed to be the object of the writer's condemnation, an instance of the mother-possession he theoretically decried in his unpublished preface, is actually full of beauty and warmth, the irrefutable residue experience. Morel should—theoretically—be masculinity degraded, but some readers must feel his unexpugnable dignity and strength. Jessie did not like her own portrait, but though most critics follow the direction of the narrator in naming her negatively spiritual, she is also given a shy and touching passionateness, the superior, in its simplicity, to Paul's.

Such effects of multiplied vision are notable most of all in the texture of the linked pair, *The Rainbow* and *Women in Love*, produced over a period of years, as has been said, of great trial and change for Lawrence. They express his sense of experience not as a coherent sequence but as a succession of states to be rendered with the completest honesty of which he was capable. The revisions, it seems probable, worked in the direction of greater openness of meaning; certainly the deleted homosexual prologue would have made some things clearer—Hermione rages and assaults Birkin, for example, because she is jealous of Gerald—but it would have inhibited Lawrence's less categorical

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exploration of relations between man and man, man and woman. The intended identities of the characters are constantly enriched by Lawrence's own self-doubt. His spokesman, Birkin, like the autobiographic Paul Morel, is subject to the telling criticism of other characters and the handling of Gerald partly undoes the work of making him the symbol of cold mechanic passion, suggesting that his vigor and will have, after all, a role in the universe. Four years after *Women in Love* the metaphysic that had birthed it has hardened in *Aaron's Rod*, as Kermode shows, and the diagnosis of degeneration in the sexual relationship is expressed more stridently. Lawrence's doctrinal writings call for the political solution of male leadership, a turning away from the "vice" of mother-love, a surrender of upper consciousness, the false spirituality cultivated by the civilized female. In *The Plumed Serpent* Lawrence wills his prophecy into fictional being: the invented religion of his fictional Mexicans is the era of the Holy Ghost. Yet even in this near-realization of doctrine his instinct for self-contradiction maintains the skepticism of its accepting heroine, Kate.

But at the last he returned, in *Lady Chatterley's Lover*, to a work in which a message and novel, doctrine and life, are again in unresting embrace. He wrote the book in three independent versions, each with its own literary status. In the first, as Sanders shows, he responded most fully to the Eastwood scene that had moved him again when he returned for a visit during the General Strike and saw the sufferings of the people among whom his youth had been spent, "the only people who move me deeply and with whom I feel myself connected," as he wrote. So, in the first version, the gamekeeper is a Communist workingman who speaks only the regional dialect. But he is elevated in class and speech in the second version and further still in the final one. This change, like others traceable in the novel's evolution, did not altogether expunge the story of class but it subordinated it to the sexual metaphysics that became more particular at the same time. In the end, as in the best of Lawrence, it is impossible to say simply what the book is "about" and yet "message" has been essential to its making.

Millicent Bell

Author of Edith Wharton and Henry James *(Braziller),* Millicent Bell *is professor of English at Boston University.*

Stalin—Mystery and Legacy

The publication of three major biographies of Joseph Stalin, relatively close to the appearance of Solzhenitsyn's *The Gulag Archipelago*, raises once more the baffling problem of the personality of the most absolute dictator of modern times. For Stalin's fantastic and unrivaled career has directly affected the lives and destinies of half the world's population and, indirectly, the rest. It is a problem rendered more acute today by the agonizing consciousness of the infernal horrors—that call for the pen of a modern Dante adequately to depict—associated with his name.

Joseph Stalin: Man and Legend
by Ronald Hingley
(McGraw-Hill; $15)

Stalin As Revolutionary (1879-1929)
by Robert Tucker
(Norton; $12.95)

Stalin: The Man and His Era
by Adam B. Ulam
(Viking; $12.95, $3.95 paper)

There is a certain irony in the current Western revulsion against the Stalinist era largely inspired by Solzhenitsyn's writings, a revulsion that will be intensified among readers of these judicious and scholarly biographies. For the truth about the horrendous story, except for some poignant details as these books show, was already known. After the published reports of the Dewey Commission of Inquiry into the Moscow Trials in the '30s and the revelations of a score of books by defectors and escapees from Communist countries, the mechanisms of the systematic terror of the repeated purges were no secret. Nor was information lacking about the living death of the concentration camps. Solzhenitsyn had to learn in his own person what was already common knowledge to many Western scholars of Soviet affairs. Its dissemination was hindered partly by the political partisanship of the victims that made their evidence suspect in the minds of the uninformed, by the Kremlin's massive propaganda of outright denial, and by World War II, which made criticism of Russia's internal regime unfashionable, and in some quarters, unpatriotic.

All three of these biographies of Stalin are interestingly written. None has an ax to grind. Although they do not contain original revelations, they weave what is already known into different patterns of interpretation that focus on the key questions that confront all historians concerned not with furthering a cause or paying off political scores but with distinguishing fact from manufactured legend. What kind of a person was Stalin? What were his motivations? Was he a glorified mediocrity or a man of talent? In any case how was he able to triumph so easily and completely in his struggle against men who towered over him intellectually? To what extent was he an event-making historical figure? Was Lenin's "marvellous Georgian" Lenin's legitimate political heir? Was he a genuine offspring of Marxism?

Before addressing ourselves to these questions something should be said about the distinctive qualities of the three biographies. Hingley's book is shorter and better written than the other two. His style is more felicitous, enlivened by a tart, passionate irony. Despite the intensity of his moral indignation at Stalin's cruelties, he is scrupulously fair to Stalin's immense abilities and achievements, so much so that he observes that "in his own highly specialized and essentially destructive field, Stalin was indeed a genius." Hingley's own pages, however, indicate that Stalin's "genius" transcends the field of the merely destructive, but does not in the least mitigate his infamies. He speculates about Stalin's motives without reaching any firm conclusions, and is much too offhand in dismissing questions of ideology and doctrine. Understandably they mean as little to him as sacred theology to an agnostic, but they play an important role in the life and behavior of true believers.

Ulam's book is the most comprehensive of the three and does justice to doctrinal differences in all their nuances. He maintains that the cult of the party rather than the cult of personality "constitutes the essence of Stalinism," and without absolving Stalin in the least for his crimes, justly stresses the co-responsibility of others. According to Ulam the explanation of Stalin's

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career "is as banal as many of Stalin's own speeches: he was corrupted by absolute power." But this does not explain why Stalin thirsted for absolute power. Does everyone? And would anyone who enjoyed Stalin's power necessarily act like him? Ulam refuses to entertain the view that Stalin was a genuine psychopath on the unconvincing ground that he was too shrewd in acting out the details of his paranoia. Ulam is probably right about Stalin in the period when he fought for the succession to Lenin. At that time he was as crazy as a vicious fox. And great viciousness is not a sign of insanity, not if one believes in the reality of evil. Toward the end of his life Stalin acted like a madman who believed in the truth of his own concoctions. Otherwise how explain his refusal to see any physician at the time of the alleged "doctors' plot"? If Stalin really believed in the truth of the charges made during the Moscow trials, he was already mad then.

Tucker in the first of three volumes offers a psychological approach to Stalin. A detailed assessment of its validity must wait on the completion of his project. He insists that the key to Stalin's career and tyrannical rule was not merely his quest for absolute power but his consuming desire to be recognized as "Russian Communism's second Lenin." What is not clear, however, is why, even granting this was his goal—a goal any successor of Lenin's might have aspired to—it required him to launch the great purges, to Stalinize the whole of Soviet culture, and screw the pitch of terror beyond anything experienced under Lenin's ruthless regime. There were certainly less sanguinary ways of becoming a second Lenin. All three authors regard as unproven the allegation that Stalin was an agent of the Okrana, the czarist secret police, and that he sought to destroy his past by destroying not only possible witnesses but all who were purer in heart than he. His conduct is compatible with that possibility; but it is also compatible with the opposite.

What emerges from all three fascinating studies is the figure of an individual who was very far from being the mediocrity of Trotsky's denigrating portrait. On the contrary he appears as an extremely gifted politician who could have given spades to the sachems of Tammany Hall, a shrewd judge of character, with a determination, flexibility, sense of timing and capacity for dissimulation that gave him the

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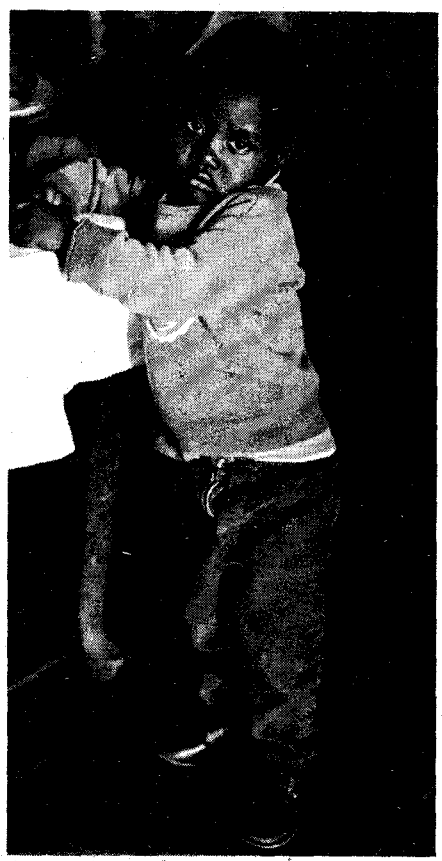

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upper hand not only over his domestic rivals but over Roosevelt and Churchill too. To be sure he was a tyro in the realm of ideas, unoriginal and dependent upon fearful hack writers for some of his formulations. But he knew how to use ideas as weapons sometimes against those from whom he borrowed them. He was lucky in the timely death of individuals who might have stood in his way, and in the ineptitude of those who saved him from the consequences of his disastrous policy toward Hitler. Nonetheless however we assess the Soviet Union, it would be difficult to dispute Hingley's statement: "Good, bad or indifferent, the Soviet Union of today is the Georgian Dictator's creature." And from the looks of things it will remain true of the Soviet Union of tomorrow.

In popular folklore no individual can be considered a hero who is wicked or a creature of evil. The historian, however, without foregoing his right to pass moral judgment on characters and events cannot permit his values to cloud or distort the objective truth about what actually happened. To him the event-making personality, regardless of his moral quality, is one who by virtue of his traits of character and mind has succeeded significantly in redetermining the direction of historical events from what would otherwise have been the case. From this point of view Stalin appears almost as much as an event-making personality in history as Lenin. On this point, although not as explicit as Hingley, Ulam and Tucker seem to agree. Needless to say the magnitude of Stalin's achievement, in the light of its human cost, would no more warrant moral accolades than would Hitler's "thousand year Reich" had it triumphed.

Nonetheless no human being is a Carlylean hero, creating the conditions that provide the opportunities for his event-making career. All the biographers make clear that Stalin could not have achieved what he did without the Communist party, and especially without the contributions of the chief architect of the October Revolution—Lenin. During most of his political life Stalin passed himself off as Lenin's adoring disciple. This remained unaffected by the stunning discovery of Lenin's testament in which he advised the party to rid itself of the rude and unmannerly Stalin. When he recovered from the shock of Lenin's disavowal, profiting from the organizational ineptitude of Trotsky, Stalin boldly accepted Lenin's jibe. He pleaded guilty to rudeness toward the enemies of Lenin's *political* line—a characteristically dishonest ploy since his rudeness in the first instance had been directed against Krupskaya, Lenin's wife and political alter ego.

This brings us to the hotly debated question whether Stalin was Lenin's heir or betrayer. It is a question that has different facets. Trotsky and his followers were convinced that Stalin betrayed Lenin not so much because of the scope of Stalin's terror but because he jettisoned Lenin's program of international revolution for "socialism in one country." Yet on Trotsky's own view social and economic forces within Russia, especially the "leaden rump of the bureaucracy," together with the failure of the Western workers to overthrow capitalism, explain why Stalin came to the helm. It is therefore hard to see wherein Stalin's betrayal consists. One can "betray" a nation's ideals or secrets but not a social system or revolution, certainly not on Marxist assumptions. Textually there may be legitimate doubts concerning Lenin's views on "socialism in one country" as a goal. Yet there is no sufficient evidence to conclude that had Lenin lived, and had revolutions in the West still failed to materialize, he would have disapproved of that goal. Some evidence exists that he would have approved it. It was ambiguous enough to be coupled with several different positions on international affairs. There is substantial agreement on this in all three biographical accounts. The methods and tempo of Stalin in moving toward the goal are something else again. Stalin was too "rude" for Lenin. But "rudeness" was not a matter of basic principle for Lenin.

On the issue of Stalin's terrorism and Lenin's responsibility for it, marked differences are apparent in the analysis and conclusion offered by Hingley in contrast to what is found in Ulam and Tucker. According to Hingley Stalin is a direct lineal descendant of Lenin. The policy of mass and indiscriminate extermination of *class* enemies, or of those considered as such, was inspired by Lenin. Stalin merely improved on the methods of his "original tutor." According to Hingley there was considerable hypocrisy in the outcry of the idealistic "left" or "right" opposition against Stalin's terrorism. They either approved or remained silent at the equally barbarous treatment under Lenin of innocent men, women and children. "They held a record second only to Stalin's own for condoning widespread massacre in the interests of humanity at large, and for benignly contemplating mass slaughter sanctified by political dogma."

It is true that those who fought Stalin for the succession to Lenin were indignant against juridical frame-ups, torture and wholesale liquidations only when they were directed against members of the Communist party. Neither Trotsky nor Bukharin at the time of their own Golgothas ever uttered a word of compunction or regret at the countless earlier victims of Lenin's terror. Nonetheless Hingley goes too far and fails to do justice to the differences between Lenin and Stalin with respect to the dimensions of terror. Stalin's practices were both a development of, and deviation from, those of Lenin. What may be a natural development of a policy may not be a necessary one.

Ulam's treatment of the relation between Lenin and Stalin on this score is much more nuanced. He recognizes that Lenin was a much more finely grained character than Stalin and that he would personally have been incapable of approving Stalin's atrocities. Yet Lenin's ideology of terror justified actions from which he might have shrunk. "It must be an indelible stain on Lenin's record that for all his humane instincts he allowed this cult, a veritable mystique of terror, to develop." A man's ideas may have profounder, far-reaching consequences than his personality; and both may be significantly affected by social and historical circumstances that he may not have anticipated. Tucker does not explicitly discuss the extent to which with respect to terror Stalin is a genuine disciple of Lenin, but his emphasis on the great difference in their motivations and personalities leaves little doubt that his disagreement with Hingley would be far greater than Ulam's. Written before Solzhenitsyn's *The Gulag Archipelago*, none of these biographies evaluate Lenin's role in formulating the paragraph in the criminal code which, according to Solzhenitsyn, served as a forerunner of the infamous paragraph 58 of Stalin's times, that made, at the will of the secret police, all sorts of inoffensive activities punishable by execution or sentence to forced labor.

What is surprising is that perhaps the most important respect in which Stalin could have legitimately claimed to have inherited the mantle of Lenin is not sufficiently developed in these biographies. I refer to Lenin's and Stalin's his-

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torical voluntarism. Few scholars today would deny that but for Lenin there would have been no October Revolution and all three authors reinforce this judgment. It was Lenin's driving will that turned his party around, led it to power and kept it in power. Stalin's voluntarism was a later development. The legends he spread about himself play down the significance of the fact that he was originally a supporter of Kerensky's regime. And as these biographies reveal, he was also willing to accept the authority of the only democratically elected body in the Soviet Union, the Constituent Assembly, until Lenin brought him to heel. But he proved to be an apt pupil and soon overtook his master in the boldness and extravagance of his social and economic policies. His program of simultaneous intensive industrialization and collectivism of agriculture surpassed anything conceived by his mentor. He initiated a revolution from above whose human costs and social effects were more profound than the consequences of October 1917.

The attitude behind Stalin's voluntarism received classical expression in a passage quoted by Hingley from one of Stalin's subordinates, S. G. Shumilin: "Our task is not to study economics, but to change it. We are bound by no laws. There are no fortresses which the Bolsheviks cannot storm. The question of tempo is subject to decision by human beings." The continuity in the thought patterns of Lenin and Stalin on what consciousness and will can accomplish is unmistakeable. Ulam admits that "Stalin tried to do what the most absolute ruler before him would have shrunk from attempting: to change in a few brief years an entire nation's way of life . . . " but denies that this can by explained by anything Lenin thought or did. There are differences to be sure but at the time Lenin made his bid for power, he was gambling against odds as great as those Stalin faced.

It is this voluntarism that makes unplausible the vague suggestion in Hingley and the definite contention of Solzhenitsyn that Stalinism is not only a natural outgrowth of Leninism but of Marxism as well. Such a view, shared by other thinkers, faces grave difficulties. First of all, it should now be plain that regardless of whether the Soviet collectivist economy is called socialism or not, those who have built it have disproved the cardinal principle of historical materialism. For they seized political power and wielded it to transform and reconstruct the economic foundations of the whole of Russian culture, something ruled out as impossible on any sober interpretation of Marx's philosophy of history.

Marx held that socialism could be introduced only when and where economic conditions were ripe. He was as convinced of this as he was that a luxuriant flower garden could not be made to bloom in desert soil. As a humanist he simply did not envisage the possibility that those who invoked his name and doctrines would be willing and ruthless enough to fertilize the desert soil with rivers of human blood.

The final paradox is that although Marx's theory of history has been shattered by the monumental Communist achievement in the Soviet Union, his commitment to democracy has been vindicated by the disastrous political form that achievement has taken with its holocaust of victims as numerous as those of Hitler. For there is not a line in Marx that justifies the dictatorship of a minority political party to introduce socialism, not even in the transition period. This was Lenin's distinctive contribution. Despite minor differences it is closer to the ideas of men like Blanqui and Bakunin whom Marx steadfastly opposed. Actually the basic poisoned premise of the Stalinist system of thought and practice lies in this conception of the dictatorship of a minority political party and to the self-authorized claim that it knows better than the classes and masses and ordinary men and women for whom it presumes to speak, what their own true interests are; and that this justifies force-marching them even against their will to salvation. It is this view that makes all totalitarians akin—no matter what colors they flaunt.

Sidney Hook

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Richard Poirier on ballet

Dybbuk to Robbins to Chance

A "dybbuk" is Hebrew for the disembodied spirit of a dead person who takes possession of a living body, including its functions of speech and movement. While the specific term refers to Hasidic tradition, it is an echo of a pervasive motif in myth and literature: the mystical identification of love and death. *Romeo and Juliet* and *Wuthering Heights* are familiar instances in English. Apparently the fusion of lovers in death, the ecstasy of dying into each other, makes some deep appeal to the human imagination, and dramatic expressions of the idea have often proved compellingly popular. In the case of the "dybbuk" variation, there is an internationally famous play by S. Ansky, originally performed in 1914 by the Vilna Troupe in Warsaw, and there is now a ballet, premiered on May 14, choreographed by Jerome Robbins to the music of Leonard Bernstein, in the repertory of the New York City Ballet.

In the play, Chanon, an impoverished rabbinical student, and Leah, the daughter of a once-poor man who has become rich, meet and fall in love without knowing that their fathers, many years before, had pledged them in marriage. When Chanon learns that Leah has been promised to another more prosperous man by her parents, he invokes the Kabbalah, a set of occult Jewish teachings, in order to possess and finally claim her as a willing bride in death. The play was performed in New York only a few years ago by the Jewish Theater of Rumania; it has been adapted to opera, and to fiction in Paddy Chayefsky's *The Tenth Man.* For a number of reasons it was destined—but not doomed—to be translated into dance.

The Robbins-Bernstein version is ambitiously long, about 50 minutes, and purports to use the Ansky play only as a point of departure for a sequence of abstract but related dances under the titles "In the Holy Place," "The Pledge," "The Dream," "Invocation of the Kabbalah," "Maiden's Dance," "Possession," "Exorcism," "Reprise and Coda." If one is to believe the crowd, except

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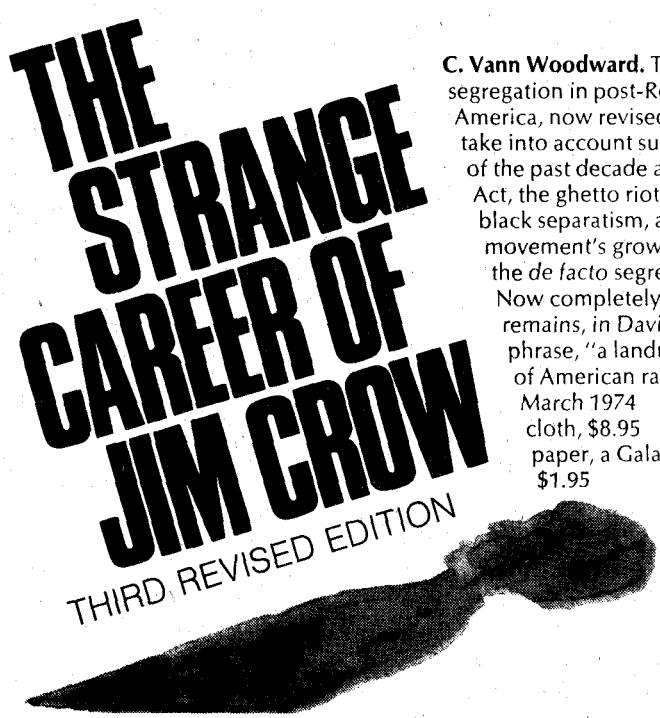
for the rather cool one on opening night, and the notices, except for Arlene Croce in *The New Yorker* and John Elson in *Time*, it has become a popular success. In my view it is also a pretentious botch of a good opportunity, all wind-up with no delivery, and interesting mostly for what it tells us both about the limitations in Robbins' exercise of his talents and about the apparent willingness of his fans to regard these limitations as a virtue. I'm speaking primarily of his lifelong pursuit in the dance of an essentially literary kind of Significance, a kind of chic topicality.

Big Thinking in dance is even more fashionable now than it was in 1950 when Robbins and Bernstein gave us *Age of Anxiety*. This is especially so when, as in *Dybbuk*, there is some heady mix of sex and occultism, of *Conundrum*, you might say, combined with *The Exorcist*. There were publicity suggestions of rewarding difficulty (Bernstein let it be known that to help himself in the mating of mysticism and music, he had had to draw a diagram of a cabalistic tree), but these suggestions were offered along with the tacit assurance that difficulties would be evaporated in the steamy atmosphere of the supernatural or in the bathos of *a priori* assumptions that since these are matters beyond our ken we'd better be thankful for whatever we might manage to understand. And since the proferred experience to ear and eye turned out to be sufficiently coarse, applause seemed composed as much of gratitude as enthusiasm.

Dybbuk is a kind of intellectual attic sale at one of the better watering places: possession, exorcism, transsexualism, crypto-religiosity, disavowals of narrative, numerology, societal repression, all tarted up with symbolic gesturings, folklorish evocations in setting and costume, and hints of genius hard at work on apparently intractable material. Thirty years, we were told, it lay in the minds of Robbins and Bernstein (men not famous for their lack of facility), ever since that night in 1944 when they stood together on the stage of the old Metropolitan Opera House after the smash hit of the first of their collaborations, *Fancy Free*.

Promising so much, *Dybbuk*, after all the advance heralding, offers very little, at best a gathering of dances, some few parts exciting, and the best of these, like the often quite dazzling "Invocation of the Kabbalah," going to the men, as it usually does in Robbins. *The Goldberg Variations* is Robbins' best work outside musical comedy and remarkable by any choreographic standards. *Dybbuk* is offered as a quite different sort of piece, and any pleasure we might want to take from some lively moments in addition to the "Invocation"—the male duet in "The Pledge" and bits where Leah, possessed of Chanon's spirit, reenacts some of his earlier movement—is curtailed by an indeterminacy in the overall effect. Robbins and Bernstein try to evoke, from a grating assertiveness of dance and music, some larger design of Significance that simply refuses their call.

The sensationalism of some of the movement comes across, therefore, as a betrayal of any feeling that may have been accumulated by more subtle managements of rhythm both in sound and movement. In the interest of thematic enunciations, gestures will suddenly erupt, as if pointing toward meanings that have been created, alas, only by publicity releases. None of this is the fault of the dancers, the lead parts being taken in some performances by that brilliantly accomplished pair Helgi Tomasson and Patricia McBride, and in others by Bart Cook, who shows impressive powers of dramatic characterization, and the often astonishing Gelsey Kirkland. No choreographer could ask for more variously talented performers. Rather the trouble stems from Robbins' inability fully and coherently to develop the resources inherent in the idea and in the New



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York City Ballet company, and in his corresponding dependence on local flashes, on jagged points of brilliance. He seems afraid to make his audience follow a complicated line of internal development, giving in its place the loud externalities of chic. What's missing is any design of personal feeling in relation to the "dybbuk" theme of the dancers.

Dybbuk is lacking in the kind of coherence that evolves from modulated variations in dance rhythm. It depends instead on a kind of wilful coherence derived from tedious repetitions in the pattern of sound and movement. This is especially surprising because the "dybbuk" theme is almost ideally suited to dance. Even in Ansky's play the scenes of possession and exorcism, which must necessarily involve the body, were to a great extent mimed. More than that, the narrative partakes of what might be called the hidden plot of classical dance. To recognize this is to see at once why Robbins' snooty disclaimer of detailed narrative responsibility (according to the program notes the ballet is meant as commentary on its "dark, magico-religious ambiance") is disingenuous, a disclaimer of choreographic opportunity however one chooses to interpret it.

In working with the New York City Ballet as trained by Balanchine, Robbins has available to him dancers who have learned from Balanchine to do one thing better than any dancers in the world. Neoclassical ballet—in at least one of its roots—is about the opportunities and limits of partnering between a man and a woman. To push the point a little beyond where it might normally be taken, the implicit drama of neoclassical ballet, striking some of the same responses called forth by the Romeo and Juliet or "dybbuk" themes, concerns the efforts of a male dancer to partner, to lead, and finally to possess the bodily capacities of a female dancer. It is potentially a transsexual and androgynous exercise, but stops short of becoming only that because whenever the female body is known and respected with the excited reverence of a Balanchine there occurs a necessary reaffirmation of difference, a kind of perpetual exorcism of the male that complicates every sequence of attempted possession. This dramatic subtext to neoclassical ballet was not invented so much as discovered and explored by Balanchine in a company where Robbins is second only to him as choreographer. And yet the difference between the two was there to be seen at the Gala Premiere of *Dybbuk* in the Balanchine-Stravinsky *Violin Concerto*. This magnificent work displays the special character of the company's neoclassical idiom, and it seemed a comment on Robbins' failure to take advantage of either: in *Dybbuk*, he had an opportunity that was almost embarrassingly appropriate.

Robbins is cerebrally but not instinctively concerned with the choreographic theme of the bodily possession of a woman by a man. His choreography tends instead to be antagonistically and externally aggressive toward the bodies of women. In much of his work, they are frequently tossed about like so many artillery shell casings. *Dybbuk* will not so assuredly annoy a women's liberationist as does *The Cage*, at once the most directly misogynist and most dramatically sharp of his ballets, or as do movements of female abasement in *In the Night*. Nonetheless the best moments given to Leah are those in which she moves as if possessed by Chanon, especially when, in "Possession," she leads him into an arabesque through which he has just led her. Otherwise it can generally be said that the dancing in *Dybbuk* begins to be de-energized whenever women are in full possession of their own faculties. This becomes obvious at the end of "The Pledge" and again in "Maiden's Dance," which begins with four women kneeling, slightly swaying, in a quarter-circle in back of Leah, snapping their fingers. It's a kind of Junior League hen party for their favorite girl, a "cha cha" number from *West Side Story*.

This is not the only reminder of *West Side Story*—the "Invocation" opens with Chanon center stage, his Kabbalah crew on either side, as he strikes what for all the world looks like a pose preliminary to a knife fight in a gang rumble—or of still other works of Robbins—the arms stretched heavenward, the hands rotating at various angles, as in *Requiem Canticles*. There are also any number of echoes, in the dancing between Leah and Chanon, from Balanchine's *Don Quixote*. Were imitation and pastiche themselves a fault, ballet would cease to exist, but in this instance the context for them is so lacking in its own authority that we see and hear the shreds of other work not, to adapt a formula from T. S. Eliot, as if they had been stolen but only as if they'd been borrowed. If the dance might suggest as much a Puerto Rican as a Hasidic Romeo and Juliet, the score, quite aside from the nonsense claims that, in Bernstein's words, "every note in the ballet was arrived at by cabalistic manipulation of numbers," drowns out certain threads of Hasidic melody like "Nigun" or "V' Taher libenu" in sounds from Prokovief's *Romeo and Juliet* or Stravinsky's middle period. We're assaulted with clamorous intensity, as if every point were meant to be a high point.

Musically and choreographically *Dybbuk* hasn't too little but too much going for it. No wonder Robbins presides directorially over the scene with the anxious controls that are a clue to insecurity. Even a dancer with the extraordinary personality of McBride performs as if she were spaced out; she and Tomasson move with little of the beautifully natural precision characteristic of them. There is a distinct lack of fun had by all, except for the men in "Invocation," notably Bart Cook, Victor Castelli and Tracy Bennett; there's none of that freedom for improvisation Balanchine allows in his total confidence that he has created a pervasive choreographic atmosphere within which his dancers can move with pleasure and inventiveness.

The sense one gets of externally imposed rigidity is especially inappropriate to this particular ballet. Because while it may be primarily a story of possession and exorcism in which bodies are supposed to respond to external authority, it is also a story about young love which would be more happy if freed from the necessities of magic. This aspect of their relationship, communicated in "The Dream," is not even nostalgically hinted at in what follows, except, weakly, near the very end of "Exorcism." Evident here is not so much a lapse in characterization as a lack of choreographic nuance, a failure, again, to let the possibilities of the

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theme freely inform the dance in a supple way. The violent movements necessary to the main thrust, that is, could with enormous profit have been mollified and conciliated by movements of retrospective tenderness, movements reflective of the kind of love and possessiveness forced into abeyance. Which brings us back to the central problem: faced with the opportunity to communicate fashionable ideas to fashionable sounds Robbins succumbs to ostentatious reiteration at the expense of those shadings that would deepen and sustain a more autonomous choreographic drama.

RICHARD POIRIER *is the author of, most recently,* Norman Mailer *(Viking) and* The Performing Self *(Oxford).*

Death of Kings

Regicide and Revolution: Speeches at the Trial of Louis XVI edited by Michael Walzer

(Cambridge University Press; $12.50)

At times of crisis, Michael Walzer reminds us, "men of action literally cannot act without becoming theorists." And at a moment when Americans weigh the removal of their President, Walzer presents the debates from the trial of Louis XVI at the close of 1792 as powerful reflections on the nature of arbitrary authority and republican legitimacy. It would be intellectually meretricious to claim exact parallels, nor does Walzer attempt to do so. Nonetheless his extended and beautifully crafted introduction speaks directly to the sacralization of executive power, its deformation, the need to prune its excesses.

Walzer begins with an evocation of kingship—the bygone claims of Charles I or Louis XIV, XV, and even the unpretentious and mediocre Louis XVI. The king of the old regime retained a dual nature, personal and political. The distinction we take for granted between man and office was largely invalid. The monarch embodied and did not merely symbolize sovereignty. That sovereignty, even when shared with a parliament, had large reserves of personal will, so-called prerogative or *bon plaisir.* This was a power delegated from above, hence limited by God's laws, not man's. Late into the 18th century afflicted subjects believed that the divinity hedging a king could cure scrofula and guarantee virtue so that even when tyranny encroached, hunger ravaged or battles were lost, wicked counsellors and not His Majesty were at fault.

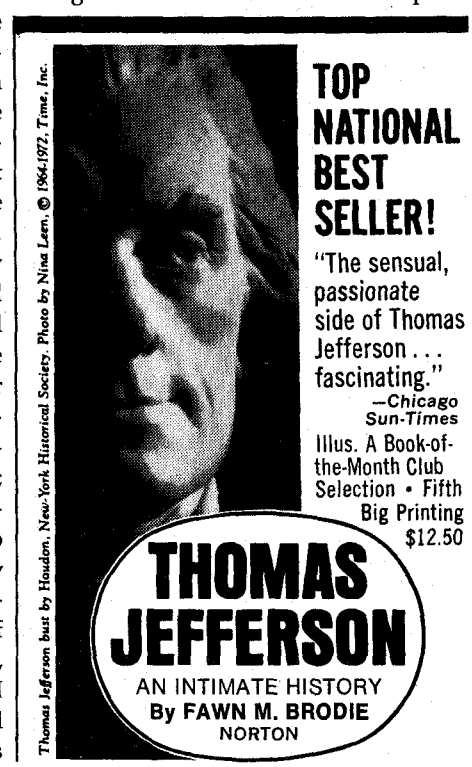
Is it so difficult to imagine the era when office and person were one? Certainly Richard Nixon has sought to confuse his tenancy of the White House with the presidency itself as a tactic of his own defense. But the essence of an elected presidency should be the separation of the two; yet in practice, and since 1961 at least, the distinction has eroded. The celebration of charisma, the constant evocation of national security, the aura of sacrifice for the national welfare (late-burning lights), offer a surrogate for earlier thaumaturgy. As Walzer makes clear, court politics and its decadence can afflict executive regimes long after the corridors of Versailles have fallen silent. The more powerful an executive the more isolated, and the more policies emerge only as an invidious choice among personal favorites while opponents become "enemies."

Walzer's book does more than reinvoke kingship. It is an argument, ultimately a justification for the men who sought to destroy it. For the French revolutionaries of 1792—the troubled talkative Girondins and the more ruthless and radical Jacobin Montagnards alike—the claim of royal prerogative was a superstition, a murky and primitive legacy that precluded rule by reason and law. A republic (and until the French Revolution, 18th-century thinkers felt that a limited monarchy might be "republican") meant a state where the law bound rulers and ruled equally.

For the revolutionaries of 1792, only the public trial of the royal person, and with him the incarnated office, could destroy the mystery of kingship: "The trial founds the Republic." Walzer stresses the difference between assassinations and public execution. Assassins struck at a given monarch alone; they did not intend to question the institution. The revolutionaries saw no way to cleanse the recesses of arbitrary power without a tribunal for both together. Walzer champions the trial of Louis XVI and not the sentence of death, but can accept the latter. Both Charles I and Louis XVI had encouraged or led armies against compromise regimes they had earlier agreed to accept, easily a treasonous and capital offense by the standards of the day. They were not executed merely for being kings.

The sticky point was whether trial was legitimate at all. The relative conservatives of the spectrum of 1792 argued that it was not. Louis and the representatives of the French people had both accepted a constitution in 1791 that allowed for the king's deposition if he fled or raised forces, but sanctioned criminal punishment only for acts committed after deposition. The Jacobins too argued that trial was inappropriate: the constitutional grant of inviolability to the king in 1791 was illegitimate to begin with; Louis was a traitor and should be publicly executed as an enemy outside the law. Yet even without Louis' collusion with the *emigrés* and Austrian monarch, the Jacobins suggested, the king would have to die for being king. "No man reigns innocently," said Saint-Just in the most brilliant and terrifyingly abstract of the 11 speeches Walzer edits, including statements by Robespierre, Condorcet, Vergniaud and Paine. The essence of the Jacobin position from 1792 through the summer of 1794 was the harrowing justice for the innocent but not for the guilty. They forgot that the purpose of justice is to sort the two out.

Splendidly elaborating the implications of both conservative and Jacobin views, Walzer opts for the middle-ground Girondin argument. The Jacobin view allowed only for a continuing division between virtuous repub-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licans and candidates for the guillotine. It presupposed perpetual civil war and conjured up constant conspiracy. On the other hand, Walzer insists, the king's trial was justifiable from a revolutionary perspective. Louis' crimes were real crimes under the old law as well as the new; what the revolutionaries did was override the grant of inviolability of 1791 and recognize that he might be a criminal. The republic established *ex post facto* jurisdiction, not *ex post facto* crimes (a legal claim similar to that of the post-World War II trials for crimes against humanity if not for conspiracy to wage aggressive war). Moreover, Walzer insists, the Girondins sought a meaningful trial with real courtroom guarantees. Not they but Saint-Just and Robespierre, who scorned a trial, were the instigators of judicial terrorism. Finally the Girondin trial aimed at establishing a new community of more inclusive and egalitarian law. "Revolutionary justice is defensible," Walzer concludes, "whenever it points the way to everyday justice."

But if revolutionary justice can ideally point the way toward everyday justice, is it likely to lead to everyday justice? The distinction between Girondin and Jacobin positions may collapse in practice if not in theory: once the deputies agreed that the king could be tried, the verdict if not the sentence seemed foreordained. When crime is political, establishing jurisdiction may be tantamount to conviction. The Jacobins were ruthless but perhaps less hypocritical. Both they and the Girondins, moreover, started out from the conviction that the constitution of 1791 was invalidated by its basic inconsistency of binding the king to a compact that itself put the king above the law. Both also agreed the king was already legally deposed.

More generally, the record of regimes that rest on purge trials for their moral foundation stones is not encouraging from the criteria either of legal procedure or of stability: the English Commonwealth, the First French Republic, Vichy—even in some ways the Bolsheviks and National Socialists—all sought to define their nature by the ritual and quasi-judicial identification of internal enemies. Inclusiveness may work better.

Is there relevance for impeachment? In the specific sense, no; for the American constitution of 1787 grants no inviolability to the presidency. In contrast to the provision of 1781, it requires a trial for deposition; conversely it does not preclude criminal prosecution for the same high crimes and misdemeanors. Impeachment too would be designed to reaffirm the separateness of the presidential office and the man; the French revolutionary trial presupposed their unity. Still, impeachment would purge the office of its aggrandizements and creeping Caesarism. It would temporarily check the tendency for even an elected executive to become, as Edmund Randolph said in the constitutional convention of 1787, "a foetus for monarchy." As Walzer's book makes clear, trials of authority are painful, but the pain can serve to reaffirm a more universal claim of law. Everyday justice, revolutionary justice and impeachment, somewhere between the two, should all do that.

Charles S. Maier

CHARLES S. MAIER, *author of the forthcoming book,* Recasting Bourgeois Europe *(Princeton University Press), teaches social studies at Harvard.*

Recent Fiction

The Road to Many a Wonder by David Wagoner

(Farrar, Straus & Giroux; $6.95)

David Wagoner, in my opinion, is a novelist to read, a high opinion that I have held ever since reading *The Man in the Middle* 15 years ago. He has a particular genius for portraying men in hysterical motion, and women too, as this last novel shows. And here, as in his recent *Where Is My Wandering Boy Tonight?*, the hysteria erupts in continuous laughter. This is a very funny book, further proof of Leslie Fiedler's adage that the best way to regard the mythic Great West is as a big joke. It is a book that you may place with assurance in the hands of children, though you may have to pry it loose in order to get it back. In such parlous times, such a book is a treasure, but *Road to Many a Wonder* is not merely entertainment; it is that kind of literature we call American.

In patent imitation in style and subject matter of *The Adventures of Huckleberry Finn*, Wagoner has taken another step and stuffed Huck's skin with Horatio Algerish *Excelsior!* resulting in Ike (Isaac) Bender, whose motto is "Bound to Rise." That his bread may do likewise, Ike sets out for the Pike's Peak goldfields with salterus in his pocket, but the yeast in Ike's particular dough is Millicent Slaughter, who gives him a send-off from Missouri by giving her name to his wheelbarrow, a marvelous machine that is part conveyance, part well-digger, part tent. Ike has, as they say, many wonderful adventures along the road to wealth, the best of which is provided by Millicent Slaughter herself, who precedes by stagecoach the wheelbarrow of the same name to Fort Kearny, and there changes her own name to Ike's. From thence these marvelous children with wheelbarrow—and a burro named Blue picked up along the way—proceed to Pike's Peak, against all odds as they say, adding a romantic and domestic note to the formulae of Twain and Alger.

Millicent Slaughter is a happy invention—like the wheelbarrow of that name and Wagoner was obviously unwilling that she should remain behind in Missouri, for which decision we should be grateful. But as Ike has a Huckish ring to his metaphors and an Algerish hike to his trousers, so Millicent's is a familiar voice in American literature, with a schoolmarmish edge to her voice, apparently taken from a fabled "Miss Wilkerson" back home. But it recalls something of the quality of Katharine Hepburn in company with Humphrey Bogart as they chug down the Congo in the *African Queen*. Hepburn is the undisputed salvation of Bogart, and so Millicent with Ike, and though their journey is overland it follows the course of the Platte—a good enough Congo for their purposes.

Having taken on such models Wagoner is true to them all, as in the best of American popular fiction, giving his fable a happy conclusion. I won't give the ending away, since the author has it for sale, but it will be familiar enough to the readers of *Striking It Rich* and other Alger nuggets. Still as with everything else in this golden tale, Wagoner gives the dénouement a twist or two, Millicent playing *dea ex machina*, the machine in question being the redoubtable wheelbarrow. One had thought the days of bankers and lawyers riding in at the end like cavalry officers to save the day were over, but in Wagoner's fable they do just that, taking on the good old role of savior. Again, with a twist, which like the same in a gin and

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tonic gives added refreshment on a hot summer's day.

This book, quite frankly, is a fairy tale of marvelous encounters filling golden roads leading out of Kansas to wonder, and the dialogue crackles with the rude wit that is the stuff of that indigenous American fairy tale, the folk tale, for like Huck himself Ike and Millicent Bender have traveled a long, long road indeed—like Sweet Betsy from Pike who crossed those big mountains with her lover. Always the master of a dialogue that matches his fast-paced plots, Wagoner here elevates exchange into the kind of transcendent patter a more sophisticated version of which made a Raymond Chandler famous, redolent of the drawl that makes Davy Crockett and Sam Spade brothers under the hard-boiled shell. That this drops like manna before the moving picture camera should go without saying, but I mention it so that when this happens you will have read it here first, and be sure to read the book first also, because it may not be better than the movie but I'm betting that it is, and don't forget you read that here first as well.

John Seelye

The Good Soldier Svejk by Jaroslav Hasek

(Crowell; $10, $3.95 paper)

The Good Soldier Svejk could have been the grimmest of books. It begins with the June 1914 murder of the Archduke Franz Ferdinand in Prague, lonely, ill-favored outpost of the ramshackle Hapsburg dynasty. Prague is run by the same military censors, kangaroo courts and murderously cruel secret police that drove Hasek's townsfellow, Franz Kafka (born, like Hasek, in 1833), to write "In the Penal Colony" and *The Trial*. A ragtag lot, the Austro-Hungarian army lacks the will to fight. But fight it must. Alongside the senseless political arrests and executions of civilians, soldiers are jammed into cattle trucks, filled with hot lead, ripped apart by shrapnel, and left to rot in lice-infested trenches. Butchery is general.

But it can be coped with. Hasek blames most of the evils of war on the stupidity and confusion of the senior officers. Instead of giving in to moral outrage, though, he uses deadpan humor. He describes the snarls and clots of bureaucracy; he punctures longwindedness and self-importance. While a chaplain haggles over the cost of administering extreme unction during battle, a soldier talks of using the holy oil to clean his rifle. When finally deciphered, a set of top-secret battle instructions from regimental staff reads, "Bugger the whole bloody thing."

Fueling the satire is the book's title character, Josef Svejk. Cecil Parrott, translator and editor of this new unabridged version of the book, sums him up well:

> *A true appreciation of the book requires a full understanding of Svejk's character. It is a complex one. . . He is quite capable of making himself appear a fool to save a situation. . . Svejk speaks most of the time in double-talk. He pretends to be in agreement with anyone he is dealing with, particularly if he happens to be a superior officer. . . He is a close observer of human nature and some of his deductions are penetrating. . . None the less he accepts with resigned and even cheerful equanimity all the struggles and privations of army life in wartime.*

This tubby, moon-faced creature with the cigar-stub nose, unshaven cheeks and baggy clothes is one of the great characters of 20th-century literature. At the outset he has already been discharged from the army as an idiot. Back in uniform he is called "idiotic baboon," "bloody oaf" and "prize ass." He can't stay out of trouble. Government officials arrest him as a traitor, a deserter and an enemy spy. He keeps getting thrown out of places—prison camps, police stations and lunatic asylums—that are full of dangers. Judge Svejk by the fruits of his bizarre labors and he becomes the little man who outwits the powerful establishment. None of his superiors can deal with his cheer, his candor or his irony. When asked by a policeman, "Is it difficult to photograph a station?" he answers, "Easier than anything else . . . because it doesn't move . . . and you don't have to tell it to smile." Answers like this help him shake off persecution and bad luck; he accepts hardship calmly, even cheerfully. Whereas everyone else in the line drawings accompanying the text looks puzzled, worried or angry, Svejk's innocent grins recall Curly Howard of

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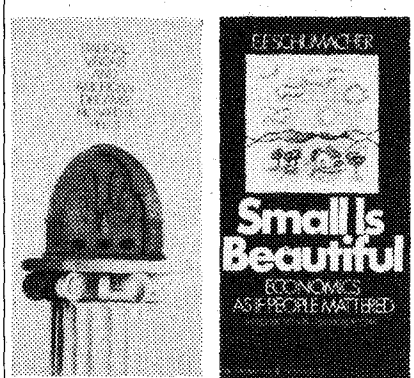

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the Three Stooges.

Svejk can handle people. A loyal batman, or personal orderly, he gets rid of his lieutenant's creditors and cast-off mistresses. Though often held by the police, he is never sentenced to a jail term. He avoids combat. He travels in roomy prisoners' vans rather than in the cattle trucks his escorts and the other soldiers are herded into. Women like him: one of his lieutenant's house-guests asks him to take off his clothes and climb into bed with her.

His tact, charm and self-reliance make the book a soldier's survival manual. Svejk does more than stay alive, keep whole and avoid discomfort. Like most other soldiers and all prisoners, he has time to kill—a big job. His stories and shenanigans cut the boredom of waiting for trains, supplies and instructions. Nobody can lower his guard with Svejk prowling around.

But Svejk keeps the others from doing much of anything. Characters, existing to swap stories with Svejk or to serve as the butt of Hasek's antiestablishment satire, don't develop. Many appear just once; others drop out for hundreds of pages at a time. Episodic and picaresque, *The Good Soldier Svejk* stands miles from the "pure" novel of Flaubert, Henry James and Ford Madox Ford, where everything is balanced and pertinent. Its language is mostly street talk or barracks talk; it lacks symbolism and idea; no well built plot creates drive or continuity. His own man, Hasek thumbs his nose at artistic technique. When he needs a new adventure he dresses Svejk in the uniform of an escaped Russian prisoner, and on the same page brings in a patrol of Hungarian soldiers to arrest him.

Though rough-hewn and nondirectional, *The Good Soldier Svejk* has survived. It exposes the dry-rot of a staggering empire. Its satire on the military combines topicality and timelessness. Above all it captures the flavor of life in early-century Prague.

Translator-editor Cecil Parrott's learned apparatus—a long introduction, occasional footnotes, a pronunciation guide to Czech names—enriches our understanding without spoiling the fun. The translation, rather than aiming for the spoken idiom of today, has a slightly stilted gait that keeps pace with the mid-European time setting. There are the more than 150 stiff, schematic drawings of Josef Lada (1887-1957); it is impossible to imagine any other Svejk than the full smiling face of these cartoons. Lada does for Svejk what Sidney Paget did for Sherlock Holmes and what John Tenniel did for Alice, because he spoofs the same things as Hasek—pomposity, selfishness parading as duty, the futility of anything connected with the military during war.

Hasek's honesty, clarity of detail and pawky restraint have made *The Good Soldier Svejk* a near classic. Perhaps the Parrott translation will improve its ranking. Let's hope not. Classics are either neglected or brooded over. Hasek's novel deserves to be relished for its offbeat wisdom.

Peter Wolfe

PETER WOLFE *teaches English at the University of Missouri, St. Louis.*

Joy in Our Cause by Carol Emshwiller

(Harper & Row; $6.95)

Carol Emshwiller's stories are a world unto themselves, and it's very hard to write about what makes them so special—to do that successfully you need a freedom of language as total as Emshwiller's. Her achievement might not be so notable if she attempted some other forms, such as the plotted novel, although some of the 20 stories in this tiny book do resemble "short stories." In "Lib," a woman is being carried upstairs to her fifth-floor walkup by a man who has crushed her toes in a bar, then gotten her drunk and brought her home, probably for sex. Better than anything I can remember reading, it captures the perceptions peculiar to drunkenness. "Lib" is a "moment of being," as Virginia Woolf titled her best story.

Nothing much happens in "Lib," but it and a few other stories have a discernible progression of movement that is traditional in fiction. Unlike most of Emshwiller's work, in which she throws away plot and character development (and often throws away character entirely) and practically every customary fiction mechanism I can think of, these stories seem to be written by someone who has come to writing with no preconceptions and, playing with words, put them into all the right patterns. Her stories, if that is what they are, seem breathed onto the page; and our response is as though we were encountering her perfectly ordinary words for the first time.

Emshwiller has created new forms for herself; but she is alone among the recent "experimentalists" in that her abandonment of plot and character doesn't seem the result of rebellion against other kinds of fiction, and she doesn't use her new forms as metaphors for meanness of spirit. It's difficult to describe her stories without making them sound banal, which is a serious problem since I want you to read them. They are about the wonder of being Carol Emshwiller, writer, wife, mother, dreamer and lover, whose life is bound up with others'. *Joy in Our Cause*, which could also be called *Song of Myself*, is a celebration of life. Its language is extraordinarily fluid and carries you along with a childlike grace, making you share in the discovery of the book as it happens. A book like this becomes a part of your life.

Carol Emshwiller mostly writes about herself, the frustrations of her daily life and of being a writer, her fantasies, sex, menstruation—the texture of her life. She often seems to be dropping sentences and paragraphs at random; and the stories that aren't autobiographical ("Destinations, Premonitions and the Nature of Anxiety" is about Bach's eldest son, who travels across America, stopping at Howard Johnson's restaurants) are usually as amorphous as the autobiographical ones. We may wonder what there is in Emshwiller's loose connections that is so clearly complete.

The connections, of course, only appear to be loose. Emshwiller is an elliptical writer, she may even seem tentative, but her emotional effects are very precise. She goes all the way with her highly developed intuitions, which are perhaps closer to a poet's than to a fiction writer's. Her stories rarely move logically; they rely, as Northrop Frye said of Emily Dickinson's poems, "not on the compelling argument but on the infinitely suggestive image," and on the perfect fitting of image to rhythm. They frequently include listings of things Emshwiller would like to do, people she'd like to meet or be, other writers she enjoys; and the listings help to create the mood she wants.

Emshwiller's intuitions may also be close to those of a moviemaker. She's married to one, but I'm thinking of Godard. Elements in her stories are like elements in Godard's movies—interviews, bits of conversations, musings, weird juxtapositions that don't seem to lead anywhere. She uses these elements as Godard does: they may seem acci-

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ental, but they tell us exactly what we hould know.

But method doesn't explain *Joy in Our Cause*. Emshwiller uses her techniques o give us the most important thing she as to give: a simplicity of feeling that ew writers ever reach. Like all serious iction writers, she writes because she s driven to. We sense that she has long been thinking and feeling her life through, that she has gotten in touch with herself in ways that are supremely important to us as well as to her. Emshwiller works on a small scale, but she touches us deeply by writing about the most commonplace events of her life; and she has learned to use words so well that they are no barrier between what she is and putting what she is on the page. We can ask no more of any writer.

John Alfred Avant

JOHN ALFRED AVANT *is a free-lance critic, and librarian at the Brooklyn Public Library.*

Oversell

From Poverty to Dignity by Charles Hampden-Turner

(Doubleday; $8.95)

The Great Society programs of the '60s, Daniel Patrick Moynihan remarked in his *Politics of the Guaranteed Annual Income*, were "oversold and underfinanced" to the point that their failure seemed almost to have been a matter of design. Such overselling, Hampden-Turner's new book makes clear, is not confined to the Establishment Center. It can occur on the Left as well.

I do not like making a negative judgment on this book, subtitled "A Strategy for Poor Americans," for I share many of Hampden-Turner's values, particularly his anti-racism. I am impressed by his analysis of the way white supremacy is imposed upon blacks, but not always by the sociologese in which he communicates his insights. I too feel that community development corporations (CDC) have a significant contribution to make to the battle against poverty. Yet Hampden-Turner presents these excellent thoughts and attitudes within a context of overkill and oversell, thereby undercutting his own case. Two instances should make clear what I mean.

For Hampden-Turner it is the "official PERCEPTION of the Welfare Establishment that social problems resulted from individual deficiencies of poor people." Moynihan concentrated on the "pathology" of the black family in his famous report to President Johnson. And in any case, the "purpose of the Moynihan report was to wrest initiative away from the disadvantaged and restore it to President Johnson." Therefore "the failures of middle-class dissent and of poverty wars are traceable to a reluctance to institutionalize and incorporate alternative structures." The CDCs are at the center of a property and counter-institutional strategy.

This analysis is, I think, demonstrably one-sided. There are certainly serious deficiencies in the theory and practice of the welfare establishment. But it is simply not true—particularly if one grants Moynihan such a prominent place in it—that this establishment thought that "social problems resulted from individual deficiencies of poor people." Moynihan, Willard Wirtz and the rest of those who shared the Department of Labor's view in this matter always emphasized the connection between unemployment and welfare and fought for collective solutions to a socially defined problem. And the alternative to the Moynihan-Wirtz approach, which received considerable support from HEW and the Council of Economic Advisors in the early days of the war on poverty and was incorporated into the Economic Opportunity Act, was community action, *i.e.*, an attempt to mobilize the poor as a group.

Indeed, in some of Moynihan's writings in the period of his famous report, and in Lyndon Johnson's Howard commencement speech in 1964, there is explicit argumentation for "equality of result" as against "equality of opportunity," hardly an individualistic way of looking at the issue. It is also conspiratorial thinking to see the Moynihan report as a sinister ploy "to wrest initiative away from the disadvantaged." In 1964, I am afraid, the disadvantaged, with the exception of the Southern blacks led by Martin Luther King, Jr., did not have the advantage. It was a peculiarity of the entire war on poverty that it did not, by far and large—the exception is once again King's movement—start as a result of pressure from below. Johnson's speech at Howard turns out to have been the most social and structural analysis of the problem of racism ever to have been made by an American President.

In saying these things I am not trying to make a brief for Moynihan or Johnson. I have been public in my disagreement with their policies. I am suggesting that intellectual overkill in this area tends to make people suspicious of everything else you write. The really interesting question about the '60s, which Hampden-Turner does not even raise, is why decent, sincere and intelligent men, who tried to develop a social response to poverty, failed. To deal with that issue requires a subtle reading of complex facts—an understanding of how social structure overwhelms good intentions—not a thesis of conspiracy.

Unfortunately the polemical oversimplifications of analysis in this book lead to overly simple solutions. It is true that the abolition of poverty requires structural change. It is also true that CDCs, in which poor people organize and produce goods and services on their own, are one means of pursuing that goal. But are CDCs *the* way out? Do they contain the potential of transforming the plight of the poor and the black? I think not.

Hampden-Turner writes:

> *Once CDCs are into the business of book clubs, publishing houses, record companies and speaker's bureaus, the tens of thousands of liberal artists and writers can put their careers where their mouths are—so that audiences are moved emotionally and economically on behalf of the poor . . . Films or video cassettes made by residents to explain particular experiences, techniques and dramas . . . could be sold to universities, social agencies and public television. A CDC could run a Social Justice Book Club, pressing those authors who hawk their social conscience to waive royalties on books sold to the club and encouraging their publishers to be similarly generous.*

All this adds up to "social marketing" which "pays CDC members for treating each other with justice and consideration." But, and this is the crucial problem with such a grandiose scheme, these CDCs must exist in a capitalist

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society in which profit, not social utility, is the pervasive criterion of economic life. One is going to sell those films to universities, social agencies and public television—all of which are currently suffering from a lack of money and are looking for hand-outs, not handing out. I am sure that writers "who hawk their social conscience" would waive royalties for a CDC book club (we already do for braille editions), but if that book club became as successful as Hampden-Turner imagines (and therefore the bulk of royalties would have been waived), who would pay the writers so as to keep them from becoming welfare cases? And finally, isn't it predictable that, within this social structure, if any CDC approached Hampden-Turner's ideal of functioning, it would be taken over by some conglomerate? That, after all, has already happened to established, solvent publishing houses.

Instead of overselling the CDC idea, I think Hampden-Turner should have properly said that such local initiatives can perform an important, if limited, service. For the structural changes really required—a redistribution of wealth, including the massive allocation of resources to job generation, housing and medicine—go far beyond the CDC principle. He oversells the CDCs because he does not understand that socialism in one neighborhood, or even among all the poor, is not possible in the richest capitalist society in history.

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Confessions and Other Matters

Doris Grumbach

There is an old tradition for confessional literature, going back to the former reprobate St. Augustine who was then converted, and advancing into the Middle Ages, to the great-lovers reminiscences of the 18th century, to the present. There is so much, seemingly, to be confessed in the present that every sinner, jailbird, criminal, con man, stripteaser, hooker, indicted government official and investigative reporter writes a book. We know that the Watergate 500 are busy with their pens, and it seems to many that there are no revelations left to reveal, not many *mea culpas* left to mouth. This month, for example, two somewhat related books are available, **Memoirs of a Scam Man,** the life and deals of Patsy Anthony Lepera (as told to Walter Goodman but conveyed to the reader in the first person of Lepera), published by Farrar, Straus & Giroux at $7.95. Pat is a publicity-seeking braggart, a swindler who deals mainly in millions, a man who had a meteoric career as a fence for stolen stocks and securities, counterfeit bonds and laundered money. He was, in his way, a financial genius with "inborn financial talent," who manipulated millions but rarely stole from individuals, only from institutions. His is a slippery, naive, puffed-up, proud-of-his-skill personality, likable as robbers of the rich always seem to be able to be. His story has the proper moral ending: Pat Lepera is in jail, and has plans when he comes out for a quiet life with his wife ("What the hell do we need that we didn't already have?") and a child ("Nobody's going to drag me away from that kid").

I'm somewhat uncertain about Goodman's reasons for taking Lepera's story down for publication, unless it is that he finds himself admiring the guy: "He served both egregiously crooked men and apparently straight ones, with energy, ingenuity, and style." Goodman thinks Lepera's success is due to his never having been "burdened with respect for the probity of bankers, the integrity of accountants, the prudence of businessmen. He took no one's incorruptibility for granted . . . . " Well it's all illuminating in its way, if you have a hankering to know how the big kill is made, straight from the horse's mouth, and if you can bring yourself to believe everything the horse tells you, and of course if you remember where you eventually end up when you make it this way.

On the other hand **White Man/Black Man** by Michael Keating and Jimmy Watson (Praeger; $7.95), rings with brutal, vicious, clearly authentic truths. Keating's honest story (I can say this because I've known him throughout his career from AP reporter in Albany, NY, to *Herald-Tribune* reporter, to the top of the managerial heap as head of WCBS-TV New York news broadcasting) about himself, his ambitions and his "decline" into unemployment, drugs, self-analysis, and then reexamination of all his values, is reminiscent of many others who rise in the rough jungle of New York's media world, are fired after a reshuffling of some sort and do not easily find their feet again. It differs in that Keating didn't try to get his footing back, but instead chose an entirely new life-style in which to view himself, his family, American life as a whole.

While he was at CBS he chose a young black, Jimmy Watson, to become an apprentice—one of those altruistic moves by which big corporations put out token hands to a few selected blacks in order to make affirmative gestures toward minorities. Jimmy is good at the things he is asked to do. He liked Mike in a wary sort of way, but lost his faith in the "white way" up, became a hustler in dope. Mike, courageous in his job but experimenting with drugs and disillusion, went out of the establishment at about the same time.

The advantages of these "confessions" are that they provide authentic views—although admittedly private and perhaps even singular—of what it is to succeed and then fall, as a black, as a white, how each looks at the other and what he sees, how life is lived in that peculiar, enervating, demanding environment that is the competitive and dangerous city. It may be because I know Michael Keating is telling the painful truth about himself, and therefore am inclined to believe that Jimmy Watson must be too, but I found their book absorbing. I felt as I read it that this was a vision of modern American life broader than just the story of two disparate men who became friends.

One of the seminal books on euthanasia, again in the deeply personal, confessional mode, was Lael Tucker Wertenbaker's **Death of a Man.** When it first

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appeared in 1957 I was impressed, as was everyone else, with its candor, its courage, its touching and detailed description of how the author helped her mortally ill husband to end his life when it was no longer possible for him to live it in human dignity. Now Beacon Press has reissued the book ($7.50, paper $2.95). Rereading it I am again impressed. Wertenbaker (who wrote a novel I still come back to often, *The Death of Kings*) was convinced that "It's damned hard for a man to tell right from wrong, but it's easy to tell good from evil." Never, in this straightforward account of his illness, first told by him, and then completed by Lael, is there any confusion about the rectitude of what they so carefully planned and jointly executed. The reader (or this reader, at least) believed with them, when the moment of pain came, that their right to ease him out of it into death was both right and good. You may find yourself feeling you would not be capable of what Lael Tucker Wertenbaker did for and with her husband, or you may have strong religious and ethical reasons for disapproving of it, but I doubt it is possible to read this small book without admiring their love for each other and the lengths to which it brought them.

Correction: In a recent column I recommended **Putting Foods By** as the best book anywhere available on the subject of canning, storing, freezing, bottling, etc. But I was guilty of attributing the book to the wrong publisher. Stephen Greene Press (Brattleboro, Vt.) is responsible for the book, and for another one I have recently read, **Goodbye Lizzie Borden** by Robert Sullivan ($8.95). No doubt about it, this is the authoritative and conclusive account of that perennially fascinating murder that has entered the realm of myth, folk tale and nursery rhyme. It is written by a trial judge whose approach is both legal and humane. Lizzie did it, clearly, "beyond a reasonable doubt," says Judge Sullivan. And the reader of all these gruesome facts will agree.

A brief fictional note from RB: In **Getting There** by William Bloom (Grove Press; $6.95) the hero, Richard Ward, tries hard in his own way to achieve *maitre d'* treatment at the Ritz. But at heart he has a romantic longing to disrupt the very establishment he wishes to mount. His vast financial plan appears possible on the surface primarily because his aplomb is supported by drugs and an affair with a young girl, Quin, whom the author describes as a "hippie." (Sounds quaint these days but she isn't.) In fact she is locked with an assortment of "underground" characters and junkies with whom she works cheerfully on a scatological scheme to crack London's middle-class plaza. Richard and Quin fall deeply in love, sharing a passionate interest in fornication and drugs. For example during one of their frenetic love scenes, she smears cocaine on their genitalia that produces an interlocked position requiring, it would seem, the super to knock on the pipes.

Eventually the American corporate giant, which Richard apparently has hoodwinked into absorbing his British design studio because of its new pornographic image, discards him callously. The ending is like the characters, plot and theme in its bewildering confusion. The style? Virtually every sentence has a reference to either defecation or fornication in varying shapes.

It would be helpful to know how serious Bloom is in this fiction concerning a "tarty long haired operator." Perhaps *Getting There* is a novel of social manners revealing the nasty games of business and politics in conflicting generations, each with objectionable life-styles. By chance it could just be a needle in a mucky haystack requiring little search.

On Hearing a Tape of My Poem Read to a People's Park Teach-in

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Kauffmann, *from page 16*

than she has seemed in a long time, and he gets the best performance from her since *Bonnie and Clyde*. Nothing in Nicholson's role gives him any trouble. It's long, but it's a set-up for him all the way. He doesn't walk through it, he just eats it up. Richard Sylbert's production design is up to his usual high level. Amidst the '30s paraphernalia he even gives us a glimpse of a two-dollar bill.

If *Chinatown* were shorter and less consciously paradigmatic, it would be a good sinister thriller. But Towne and Polanski are insufficiently innocent.

I've heartily disliked what I've seen previously of Volker Schlondorff's work. This young German director has been almost as pompous and ultimately flaccid as Maximilian Schell in *The Pedestrian*, which was as low as one can get in those matters. But Schlondorff's new film *A Free Woman*, written with his wife Margarethe von Trotta and with her in the leading role, is a modest, straightforward, acceptably mediocre piece of work.

Trotta is herself much like the film: plain, honest, unaffected, unexciting. She plays a young Munich wife whose husband divorces her for adultery. The picture shows: a) the primnesss of the law—she is far from a "bad" woman and her husband was a difficult man; b) the way a lone woman, a divorcée especially, is considered valid sexual prey; c) the pressure on her to remarry in order to protect herself and get at least partial custody of her small son. She loves the man who becomes husband number two, but she hadn't really wanted to marry again.

Nothing in the film rings false; the trouble is that it constantly rings sociologically true. Schlondorff-Trotta have been principally intent on demonstrating a thesis, so scene after scene is like testimony adduced instead of drama and character amplified. The picture is neither stupid nor hortatory, just—after the first 10 minutes or so—predictable.

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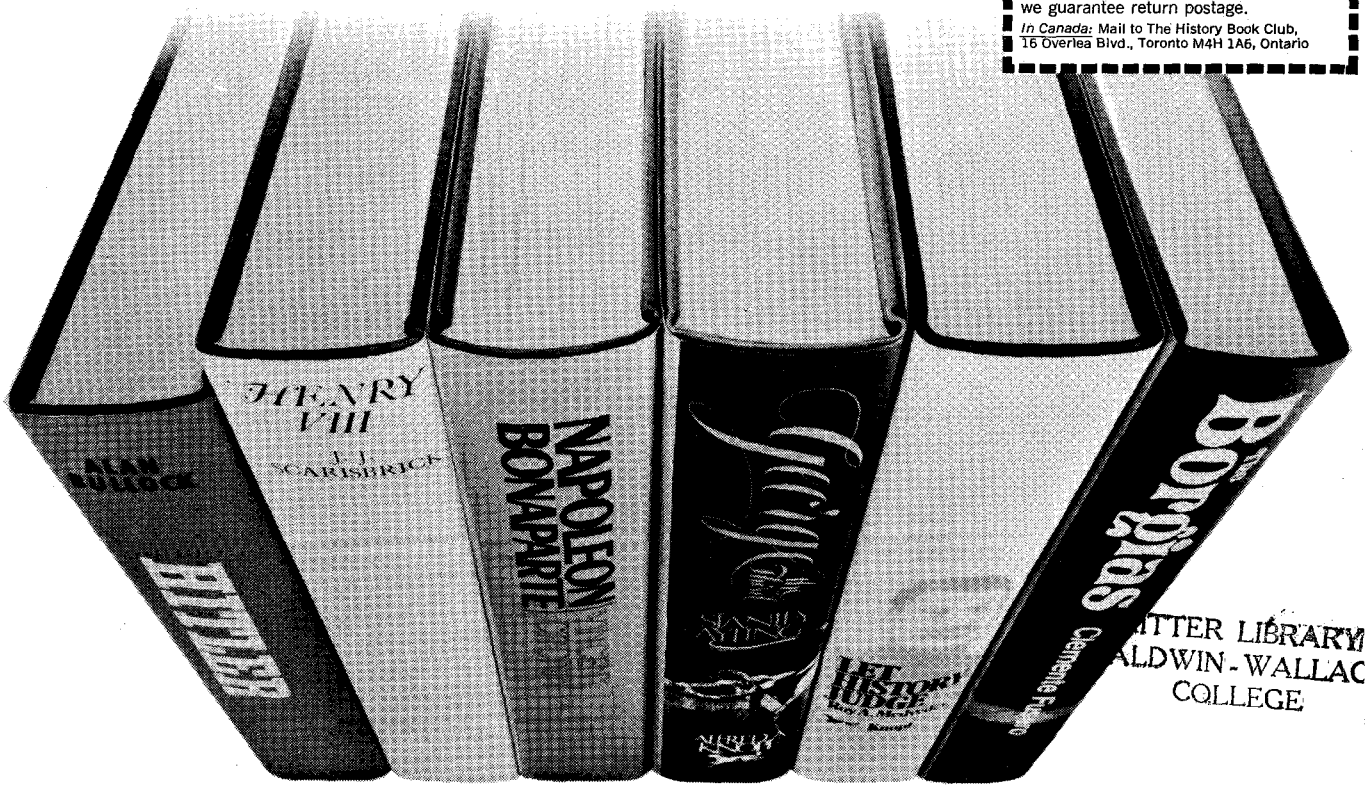

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